

SAFETY ACT

R-027-2003

Registered with the Registrar of Regulations

2003-11-28

ENVIRONMENTAL TOBACCO SMOKE WORK SITE REGULATIONS

The Commissioner, on the recommendation of the minister, under section 25 of the *Safety Act* and every enabling power, makes the *Environmental Tobacco Smoke Work site Regulations*.

1. Except as otherwise provided by these regulations, an employer shall control the exposure of workers to environmental tobacco smoke at an enclosed work site by
 - (a) prohibiting smoking in the enclosed work site; and
 - (b) prohibiting smoking outside the enclosed work site within a three metre radius of any entrance to or exit from the enclosed work site, if that area is owned or controlled by the employer.

2. Except as otherwise provided by these regulations, a worker employed at an enclosed work site shall not smoke
 - (a) in the enclosed work site; or
 - (b) outside the enclosed work site within a three metre radius of any entrance to or exit from the enclosed work site, if that area is owned or controlled by the employer.

3. An employer may permit smoking in a designated smoking structure outside an enclosed work site, within a three metre radius of an entrance to or exit from the enclosed work site, if smoke from the structure does not come into contact with workers entering or leaving the enclosed work site.

4. (1) Where an enclosed work site contains private units in which people, other than workers employed at the work site, reside on a temporary or permanent basis, an employer may permit smoking in the private units by people other than the workers, if smoke from the private units does not enter other areas where the workers work.

(2) An employer shall not require a worker to enter a private unit referred to in subsection (1) unless
 - (a) entrance into the private unit is required to respond to an emergency that may endanger life, health or property;
 - (b) entrance into the private unit is required to investigate for illegal activity; or
 - (c) smoke is effectively removed from the private unit before the worker enters it.

5. (1) Where an enclosed work site contains private units or another kind of facility in which people, other than workers employed at the work site, reside on a temporary or permanent

basis, an employer may permit smoking by people, other than the workers, in a designated smoking area that

- (a) is structurally separated from other areas of the enclosed work site;
- (b) is constructed so that smoke does not enter other areas of the enclosed work site; and
- (c) is clearly identified by signs or other effective means.

(2) If necessary to prevent smoke from entering other areas of the enclosed work site, the designated smoking area must have a separate, non-recirculating exhaust ventilation system that

- (a) meets the requirements for a smoking lounge specified in *ASHRAE Standard 62-2001, Ventilation for Acceptable Indoor Air Quality*; and
- (b) discharges directly to the outdoors.

(3) An employer shall limit the number of people who may occupy a designated smoking area that has a ventilation system, to the number the ventilation system is designed to accommodate.

(4) An employer shall not require a worker to enter a designated smoking area referred to in subsection (1) unless

- (a) entrance into the designated smoking area is required to respond to an emergency that may endanger life, health or property;
- (b) entrance into the designated smoking area is required to investigate for illegal activity; or
- (c) smoke is effectively removed from the designated smoking area before the worker enters it.

6. (1) Where workers reside at an enclosed work site on a temporary or permanent basis, an employer may permit smoking in a designated smoking area that

- (a) is structurally separated from other areas of the enclosed work site, including other break areas;
- (b) is constructed so that smoke does not enter other areas of the enclosed work site; and
- (c) is clearly identified by signs or other effective means.

(2) If necessary to prevent smoke from entering other areas of the enclosed work site, the designated smoking area must have a separate, non-recirculating exhaust ventilation system that

- (a) meets the requirements for a smoking lounge specified in *ASHRAE Standard 62-2001, Ventilation for Acceptable Indoor Air Quality*; and
- (b) discharges directly to the outdoors.

(3) An employer shall limit the number of people who may occupy a designated smoking area that has a ventilation system, to the number the ventilation system is designed to accommodate.

(4) An employer shall not require a worker, in the performance of his or her duties, to enter a designated smoking area referred to in subsection (1) unless

- (a) entrance into the designated smoking area is required to respond to an emergency that may endanger life, health or property;

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- (b) entrance into the designated smoking area is required to investigate for illegal activity; or
- (c) smoke is effectively removed from the designated smoking area before the worker enters it.

7. These regulations come into force on May 1, 2004.

SCHEDULE

1. The following is added after PART 2:

PART 2.1 - ENVIRONMENTAL TOBACCO SMOKE WORKSITE REGULATIONS
(MINE HEALTH AND SAFETY ACT)

1.	1(a)	5000	750	5750	Failure to prohibit smoking in an enclosed worksite
2.	1(b)	5000	750	5750	Failure to prohibit smoking outside an enclosed worksite within a three metre radius of an entrance or exit
3.	2(a)	500	75	575	Smoking in an enclosed worksite
4.	2(b)	500	75	575	Smoking outside an enclosed worksite within a three metre radius of an entrance or exit

2. The following is added after PART 8.2:

PART 9 - ENVIRONMENTAL TOBACCO SMOKE WORK SITE REGULATIONS
(SAFETY ACT)

1.	1(a)	5000	750	5750	Failure to prohibit smoking in an enclosed work site
2.	1(b)	5000	750	5750	Failure to prohibit smoking outside an enclosed work site within a three metre radius of an entrance or exit
3.	2(a)	500	75	575	Smoking in an enclosed work site
4.	2(b)	500	75	575	Smoking outside an enclosed work site within a three metre radius of an entrance or exit