



*Corporation of the County of Essex*  
*Office of the County Warden*

*Patrick O'Neil*  
County Warden

August 2003

Dear Essex County Business Owners and Proprietors:

**Re: County of Essex By-law No. 26-2003 "Smoking in Public Places By-law"**  
**County of Essex By-law No. 27-2003 "Smoking in Workplaces By-law"**

Effective October 1, 2003, the above referenced By-laws will take effect. These By-laws prohibit the smoking of tobacco in all public places and workplaces in Essex County.

By-law No. 26-2003 regulates smoking in public places in the County of Essex and prohibits smoking in any indoor area to which the public has access. A public place includes but is not limited to: public buildings, common areas of buildings (including common areas of residential condominiums or multiple dwelling unit apartment buildings), public restrooms, arcades, restaurants, bars, bingo halls, billiard halls, bowling alleys, arenas, shopping malls, retail shops, private clubs, school buses, taxicabs and public transportation vehicles.

By-law No. 27-2003 regulates smoking in all workplaces in the County of Essex and prohibits smoking in any enclosed area in which an employee works. The definition of a workplace includes but is not limited to: washrooms, corridors, lounges, eating rooms, reception areas, elevators, foyers, hallways, stairways, amenity areas, laundry rooms, private clubs, public transportation vehicles, taxicabs and employer-owned or operated vehicles.

There is no provision in either By-law for designated smoking rooms, exemptions or appeals.

The Windsor Essex County Health Unit, in conjunction with the OPP and local municipal police services, will be responsible for the enforcement of these By-laws.

The enclosed information package is intended to assist you and your staff with the implementation of the new By-laws' requirements for your premises. Enclosed please find the following resources:

- Summaries of the Smoke-free Public Place and Workplace By-laws
- Question and Answer Fact Sheet about the By-laws
- Suggestions for Creating a Smoke-free Environment
- No Smoking Signs for your premises
- Sample Non-smoking Policy
- Smoking Cessation Options

For additional information, please contact the Windsor Essex County Health Unit Tobacco Hotline at 258-2146 x 3112 or the County of Essex Clerk's Department at 776-6441 or visit one of the following websites: [www.wechealthunit.org](http://www.wechealthunit.org) or [www.countyofessex.on.ca](http://www.countyofessex.on.ca). Please be assured that the County of Essex is here to assist you, as a smooth transition to a 100% smoke-free workplace and public place will benefit all. Thank you in advance for your anticipated co-operation.

Yours truly,

Warden Patrick O'Neil  
County of Essex  
Encls.



## PUBLIC PLACES

# SMOKE-FREE ESSEX COUNTY

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## SUMMARY OF THE SMOKING IN PUBLIC PLACES BY-LAW

The Smoking in Public Places By-law (The Corporation of The County of Essex By-law No. 26-2003) prohibits smoking in all indoor public places in order to protect the County's inhabitants from the health hazards of second-hand smoke. All public places in Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, Leamington and Tecumseh are covered by this By-law.

### Public Places

A Public Place is defined in the By-law as the whole or part of any indoor area to which the general public is invited or permitted access. A public place includes but is not limited to: public buildings, common areas of buildings (including common areas of residential condominiums or multiple dwelling unit apartment buildings), public restrooms, arcades, restaurants, bars, bingo halls, billiard halls, bowling alleys, arenas, shopping malls, retail shops, private clubs, school buses, taxicabs and public transportation vehicles.

There is no provision in the By-law for designated smoking rooms, exemptions or appeals.

### Responsibilities of Owners and Managers

Any person in charge of a public place must not permit smoking in their establishment by:

- ensuring sufficient and conspicuous signage has been posted;
- ensuring there are no ashtrays or other receptacles made available for cigarette or cigar ashes or butts;
- ensuring that smoking does not take place in their establishment.

### Public Responsibilities

No person is to smoke in a public place designated in the By-law.

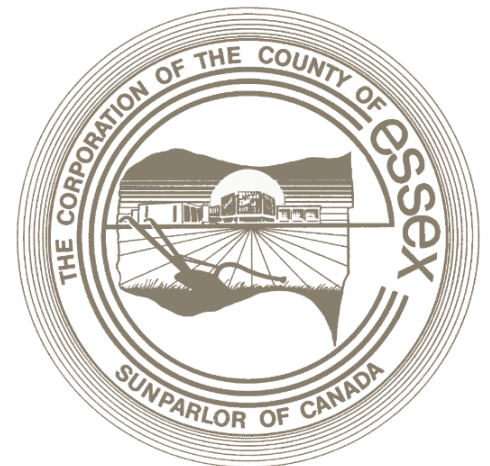
### Enforcement

The Windsor-Essex County Health Unit, the OPP, local police services and Municipal and County By-law Enforcement Officers may enter any public place to ensure compliance with the By-laws.

### Penalties

Any person, including a person in charge of a public place, if convicted of an offense under this By-law, is subject to a fine of up to \$5,000.00.

A copy of the Corporation of the County of Essex By-law No. 26-2003 (Smoking in Public Places By-law) may be obtained at [www.countyofessex.on.ca](http://www.countyofessex.on.ca) or by calling the Corporation of the County of Essex Clerk's Department at 776-6441. All complaints regarding non compliance with the Smoking in Public Places By-law should be referred to the Windsor-Essex County Health Unit's Tobacco Hotline at 258-2146 x 3112.





## WORKPLACES

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## SUMMARY OF THE SMOKING IN WORKPLACES BY-LAW

Smoking in Workplaces By-law (The Corporation of The County of Essex By-law No. 27-2003) prohibits smoking in any enclosed, indoor area in which an employee works, in order to protect workers and inhabitants of the County from the health hazards of second-hand smoke. All workplaces in Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, Leamington and Tecumseh are covered by this By-law.

### Workplaces

A Workplace is defined in the By-law as the enclosed area of a building or structure in which an employee works. A Workplace includes but is not limited to washrooms, corridors, lounges, eating areas, reception areas, elevators, escalators, foyers, hallways, stairways, amenity areas, lobbies, laundry rooms and parking garages utilized by an employee, and includes a private club, a public transportation vehicle, taxicabs and employer owned or operated vehicles.

There is no provision in the By-law for designated smoking rooms, exemptions or appeals.

### Responsibilities of Employers

Every employer must:

- adopt and implement a policy that prohibits smoking in the workplace effective October 1, 2003;
- provide a copy of the non-smoking policy to all current employees by October 8, 2003;
- provide all new employees with a copy of the non-smoking policy within 7 days of employment;
- display prominently, a copy of the non-smoking policy in the workplace at all times;
- ensure that all required signage has been posted at every entrance to the workplace;
- ensure that all employees and customers comply with the requirements of the By-law.

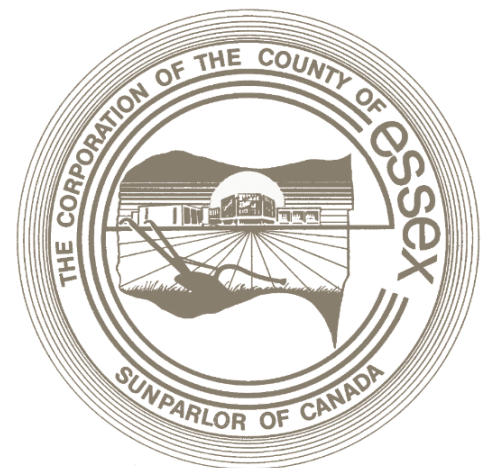
### Enforcement

The Windsor-Essex County Health Unit, the OPP, local police services and Municipal and County By-law Enforcement Officers, may enter any workplace to ensure compliance with the By-laws.

### Penalties

Any employer or employee who is convicted of an offense under this By-law, is subject to a fine of up to \$5,000.00.

A copy of the Corporation of the County of Essex By-law No. 27-2003 (Smoking in Workplaces By-law) may be obtained at [www.countyofessex.on.ca](http://www.countyofessex.on.ca) or by calling the Corporation of the County of Essex Clerk's Department at 776-6441. All complaints regarding non compliance with the Smoking in Workplaces By-law should be referred to the Windsor-Essex County Health Unit's Tobacco Hotline at 258-2146 x 3112.





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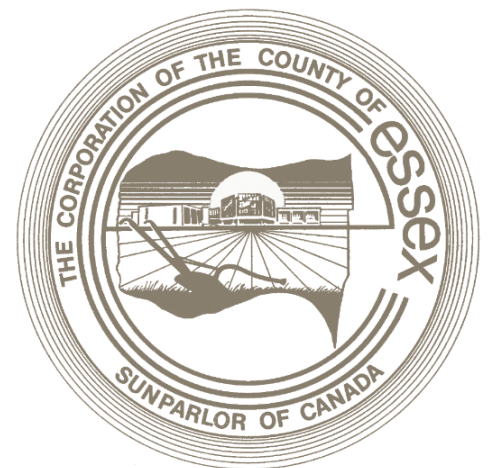
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## SUGGESTIONS FOR SUCCESSFULLY IMPLEMENTING THE SMOKING IN WORKPLACES BY-LAW NO. 27-2003

- 1 As required by the By-law, post no smoking signs at all entrances to the workplace by October 1, 2003.
- 2 Advise all employees and customers of the Smoking in Workplaces By-law as soon as possible prior to October 1, 2003.
- 3 Post a non-smoking policy in a highly visible area of your workplace.
- 4 Provide a personal message and a copy of your Workplace No Smoking Policy to all workers by October 1, 2003.
- 5 Remove all ashtrays and cigarette receptacles by October 1, 2003.
- 6 Supply outdoor containers for discarded cigarettes. You may want to designate and/or prepare specific outdoor areas for smoking.
- 7 Prepare internal guidelines/policies for employees who fail to comply with the provisions of the Smoking in Workplaces By-law.
- 8 Call the Windsor-Essex County Health Unit Tobacco Hotline at 258-2146 x 3112 to:
  - order additional signs;
  - refer customers and employees who have concerns or questions about the By-law;
  - obtain information on smoking cessation support programs.

Thank you for your cooperation in  
supporting a smoke-free work  
environment.





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# "SAMPLE"

## NON-SMOKING POLICY

Effective October 1, 2003 smoking will be prohibited in all interior areas of \_\_\_\_\_ . There are no exceptions to this rule.  
BUSINESS NAME

This policy is consistent with the Corporation of the County of Essex "Smoking in the Workplaces By-law" and also reflects our concern for your health and the serious health hazards caused by second-hand smoke.

Failure to comply with this policy will necessitate appropriate disciplinary action and may result in a charge being laid under the By-law.

\_\_\_\_\_  
OWNER / PROPRIETOR / MANAGER

\_\_\_\_\_  
DATE





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## QUESTIONS AND ANSWERS FOR BUSINESSES ABOUT SMOKE-FREE BY-LAWS IN ESSEX COUNTY

Below is a list of some commonly asked questions concerning The Corporation of the County of Essex's new Public Places and Workplaces Smoking By-laws. We hope this information will be helpful to you, your staff and your patrons.

### Q Which municipalities are covered by the Smoking in Workplaces and Smoking in Public Places By-laws?

A All municipalities in Essex County are covered by the By-laws. They include: Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, Leamington and Tecumseh. Windsor is not covered by these By-laws.

### Q When will the By-laws take effect?

A Both of these By-laws will take effect on October 1, 2003. At that time, business owners and employers must become compliant with all the provisions of the By-laws.

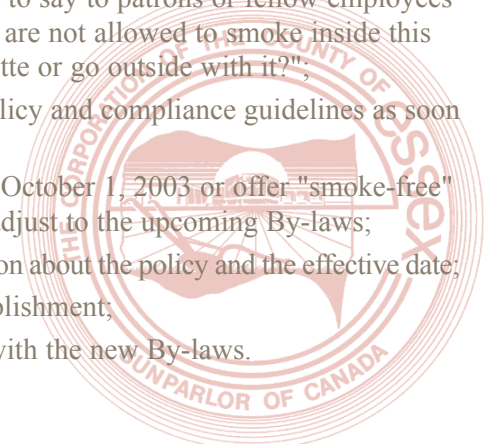
### Q Which of these smoke-free By-laws affect my business?

A Your business will be expected to comply with one or both of these By-laws. If your workplace is strictly a workplace with no public access you are expected to comply with all of the provisions of the Smoking in Workplaces By-law. On the other hand, if your business also fits in the definition of a Public Place, you will be expected to comply with the provisions of both the Smoking in Public Places By-law and the Smoking in Workplaces By-law.

### Q Can you suggest anything that businesses could do to ease the transition to becoming 100% smoke-free on October 1, 2003?

A Start informing your employees and customers of the upcoming change as soon as possible;

- train employees about the By-laws, including what to say to patrons or fellow employees who are smoking, for example: "I'm sorry, but you are not allowed to smoke inside this bar/restaurant. Would you please put out the cigarette or go outside with it?";
- develop, distribute and post your Non-Smoking Policy and compliance guidelines as soon as possible;
- you may wish to voluntarily go smoke-free before October 1, 2003 or offer "smoke-free" events to assist your customers and employees to adjust to the upcoming By-laws;
- display posters and table top tent cards with information about the policy and the effective date;
- install a cigarette butt receptacle outside your establishment;
- encourage your staff and patrons to be compliant with the new By-laws.





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## Q Can I still use the no-smoking signs I have posted now?

A All no-smoking signs are valid and legal. However, there is a section in the By-laws requiring the posting of specific signage. We have attempted to provide signs to all places affected by the By-laws, however if you have not received signage or require additional signage, contact your Municipal Clerk's department or the Windsor-Essex County Health Unit's Tobacco Hotline at 258-2146 x 3112.

## Q What differences are there under these new By-laws for businesses that were previously only regulated under Ontario's Tobacco Control Act (TCA)?

A Establishments that were previously allowed to have designated smoking rooms (DSR) or designated smoking areas (DSA) will have to go 100% smoke free effective October 1, 2003.

## Q Do the County's Smoking in Workplaces and Smoking in Public Places By-laws apply to hotels and motels?

A Yes, both by-laws apply. Any areas in a hotel or motel which are accessible to the general public, such as lobbies, restrooms, restaurants, elevators and halls, would be covered by the Smoking in Public Places By-law. Private rooms would be covered under the Smoking in Workplaces By-law because the rooms are the 'workplace' of housekeeping staff. Hotels and motels will not be permitted to have 'smoking' and 'non-smoking' rooms after October 1, 2003.

## Q Do the County's Smoking in Workplaces and Smoking in Public Places By-laws apply to Bed and Breakfast (B&B) establishments too?

A Yes, both by-laws apply here as well. While B&B's are primarily private residences, senior levels of government recognize them as being partially commercial in nature because they offer accommodations to the general public. As such, they are competitors for such business with hotels and motels, and so must meet the same standard of protection for both workers and patrons.

## Q Can retail shops with food counters that were previously permitted smoking under the TCA still allow smoking?

A No. Under the Smoking in Public Places By-law both retail shops and places that serve or permit the consumption of food on their premises must be smoke free. Therefore, any establishment that has both a retail and food service business must prohibit smoking inside after October 1, 2003.

## Q How will we find out what is required with the new By-laws?

A A public awareness campaign is currently being devised.

- During the months of September and October Health Unit staff will be visiting all public and workplaces that are not already required to be smoke-free. Employers will be provided with an information package and staff will answer any questions concerning the new By-laws. Public and workplaces already smoke-free will receive their information package by mail. Copies of the information package may be obtained by contacting your Municipal Clerk's Department or from the Windsor-Essex County Health Unit's Tobacco Hotline.
- An extensive advertising campaign will take place during the month of September, to provide public awareness of the smoking By-laws. Promotions will be aired on local radio stations. Advertisements will be placed in the local newspapers and each home will receive a brochure outlining everyone's responsibilities and requirements related to complying with the By-laws.

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## Q Are business owners and their staff expected to support the enforcement of these By-laws?

- A Business owners and their staff have a key role in supporting the implementation and enforcement of the new By-laws. As of October 1, 2003 you are required to:
- post the required No-Smoking signs;
  - post and distribute copies of your workplace's No Smoking policy;
  - remove all ashtrays;
  - ensure that patrons and employees do not smoke inside a public place or workplace.

## Q How can my establishment deal with patrons who refuse to comply with the Smoking in Public Places By-law?

- A In the case of the hospitality industry in particular, despite an owner's best efforts, some patrons may continue to smoke or refuse to go outside. The following are some techniques you may wish to use to encourage compliance with the By-law:
- show concern while speaking directly to the patron and respect personal space;
  - explain that the By-law prohibits smoking inside;
  - politely and calmly request the person extinguish the cigarette or go outside to smoke;
  - refuse service and deal with the situation the same as you would for any other behaviour that is unacceptable in your establishment (eg. no shirt)
  - ask a disruptive patron to leave. If the situation starts to get threatening call 911 immediately and ask for Police assistance.

It is the experience of other municipalities with similar By-laws that the patron will most often leave before any By-law officer or police intervention is needed.

## Q What else do I have to do to comply with the By-laws?

- A Proprietors must ensure that all staff are aware of the By-law requirements and are prepared to approach and advise patrons who violate the By-law.

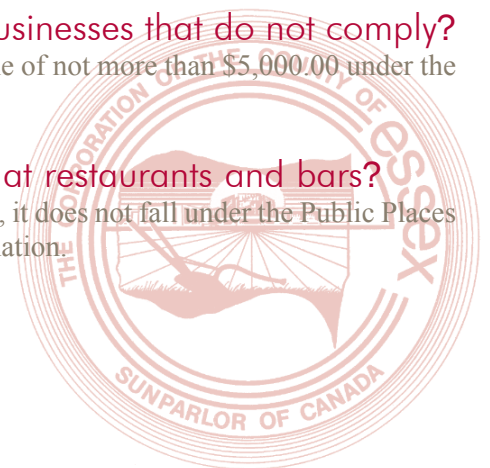
The By-law also requires that By-law Enforcement Officers cannot be hindered or obstructed when inspecting premises for compliance to these By-laws.

## Q What fines will there be for patrons or businesses that do not comply?

- A Every person convicted of an offence is liable to a fine of not more than \$5,000.00 under the Provincial Offences Act.

## Q Is smoking permitted on outdoor patios at restaurants and bars?

- A Yes. As long as the outdoor patio is not fully enclosed, it does not fall under the Public Places By-law. Please refer to the By-law for further information.





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## WHAT ABOUT ENFORCEMENT?

### Q Who is responsible for ensuring that a workplace or public place is smoke-free?

A Responsibility for making a workplace or public place smoke-free falls to whoever is in charge. In the case of a public place such as a restaurant or bar that would be the proprietor or the person who acts on behalf of the proprietor in their absence. In the case of a work place, the owner of the business or the manager of the operation is responsible.

### Q What is their responsibility under By-laws 26-2003 and 27-2003?

A They have to tell anyone smoking in their workplace or public place that it's a non-smoking area, and ask them to stop. They have to make every reasonable effort to ensure smoking doesn't take place in their workplace or public place. What is reasonable would include, but not be limited to: posting required signs; posting a copy of their non-smoking policy in a prominent place; informing all employees about the no smoking policy; and prohibiting ashtrays, or anything that can reasonably be considered an ashtray, in their workplace or public place. In the event someone continues to smoke despite being asked not to, an owner/proprietor/manager should contact the appropriate enforcement agency.

### Q Who gets charged if smoking takes place in a workplace or public place?

A The owner/proprietor/manager and the person committing an offence can be charged. The owner/proprietor/manager can be charged if they haven't taken every reasonable effort to stop or prevent an offence from taking place. Anyone smoking in contravention of either By-law can also be charged.

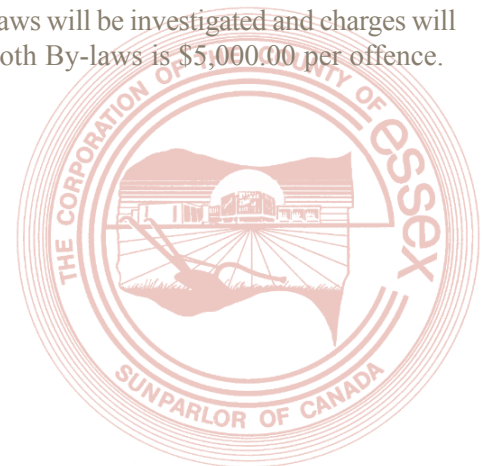
### Q Who will be enforcing the Smoking By-laws?

A The Windsor-Essex County Health Unit will be enforcing the No Smoking By-laws with the assistance of the OPP, local police services and the Municipal and County By-law offices.

### Q How serious is Essex County about enforcing these By-laws and what are the penalties?

A All complaints related to non-compliance with the By-laws will be investigated and charges will be laid where warranted. The maximum fine under both By-laws is \$5,000.00 per offence.

Complaints and questions related to non-compliance with By-law 26-2003 (Public Places) and By-law 27-2003 (Workplaces) should be referred to  
The Windsor-Essex County Health Unit  
Tobacco Hotline at 258-2146 x 3112





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## WHAT ARE THE HEALTH EFFECTS OF SECOND-HAND SMOKE?

The chemicals in tobacco smoke can cause many adverse health reactions for both smokers and non-smokers who breathe second-hand smoke. Certain medical conditions are made substantially worse by tobacco smoke. Twenty-five percent of the population suffers from asthma, heart failure, emphysema, anemia and other medical conditions that are made worse by second-hand smoke. The truth about how tobacco smoke affects human health has been known for over a century. And knowledge about the harmful effects of indoor tobacco smoke to non-smokers is decades old.

### Second-hand smoke can cause:

- eye and nasal irritation;
- coronary and ischaemic heart disease;
- lung cancer;
- stroke;
- nasal sinus cancer.

### Evidence also suggests an association with:

- spontaneous abortion;
- negative impact on cognition and behavior;
- increased episodes and severity of asthma in adults;
- worsening of cystic fibrosis;
- decreased pulmonary function;
- breast and cervical cancer.

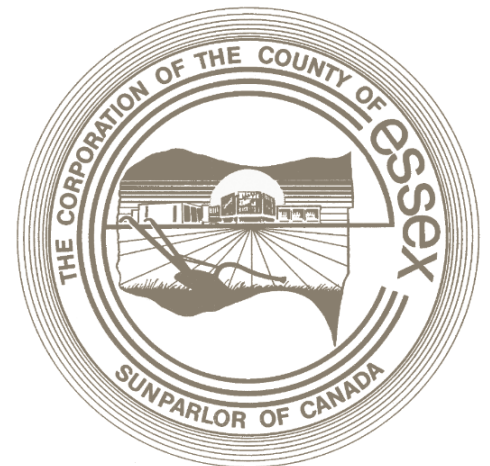
### In children, second-hand smoke can cause:

- respiratory infections and irritation;
- reduced lung function;
- increased episodes and severity of asthma;
- reduced oxygen flow to tissues.

### Childhood exposure has also been associated with:

- sudden infant death syndrome (SIDS);
- middle ear infections;
- meningococcal infections;
- and cancers such as leukemia.

*Sources: California EPA Report 1997; He, Vupputuri, et al, "Passive Smoking and the Risk of Coronary Heart Disease - A Meta-Analysis of Epidemiologic Studies" The New England Journal of Medicine, March 25, 1999, pages 920 - 926; Law, et al, "Environmental Tobacco Smoke Exposure and Ischaemic Heart Disease: An Evaluation of the Evidence", BMJ, October 18, 1997, 315:973-988; Bonita, et al, Passive smoking as well as active smoking increases the risk of acute stroke, Tob. Control 1999; 8:156-160; Health Canada, Passive Smoking: Nowhere to Hide; Lash et al, "Active and Passive Smoking & The Occurrence of Breast Cancer", Am. J. Epidemiol. 1999 Jan 1, 149(1):5-12.*



This information provided by  
 **Physicians for a  
Smoke-Free Canada**  
Website [www.smoke-free.ca](http://www.smoke-free.ca)



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## SMOKING CESSATION OPTIONS

The Corporation of the County of Essex passed By-laws 26-2003 and 27-2003 in response to public concerns about exposure to second-hand smoke in public places and workplaces. These By-laws will protect residents, workers and visitors to Essex County from the proven hazards posed by second-hand smoke.

These By-laws also serve a secondary function. Studies have shown that smokers in communities with smoking regulation By-laws find it easier to kick the tobacco habit. Obviously, if there are fewer places you can light up, or find yourself exposed to the temptation of other people lighting up, the easier it is to become and stay a non-smoker. Studies have also shown that by 'de-normalizing' the use of tobacco, the chance of teens becoming smokers is reduced.

We know that smoking is both an addiction and a habit. This makes quitting smoking especially challenging for most smokers. Some people find they can do it on their own; most, however, find they need help. In reality, there are as many ways of quitting smoking as there are smokers. The common factor that is necessary to be successful at quitting, no matter what method you choose, is that you have to genuinely want to quit smoking. If you do, then you will, no matter how many attempts it takes.

### Smoking Cessation Options for Windsor-Essex County Residents

The Health Unit has assembled a resource entitled, 'Smoking Cessation Options For Windsor and Essex County Residents'. This resource lists the various smoking cessation programs and treatment techniques available to Windsor and Essex County residents. These are listed for Windsor, Essex County and the metropolitan Detroit area.

### The One Step At A Time Cessation Program

The Health Unit also offers the 'One Step At A Time' cessation program. 'One Step At A Time' is a self directed smoking cessation program which has assisted many Windsor and Essex County smokers to quit. The program originated with the Windsor-Essex County Health Unit and was subsequently adopted by the Canadian Cancer Society for use across Canada.

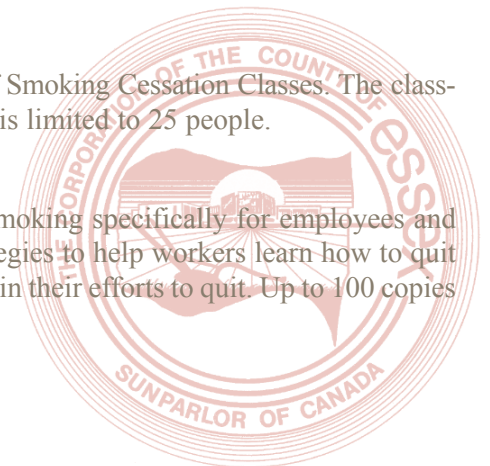
### Smoking Cessation Group Sessions

In fall 2003, the Health Unit will begin a weekly series of Smoking Cessation Classes. The classes will be offered over a 10 week period and enrollment is limited to 25 people.

### Kick the Habit Worker Brochure

The Health Unit has developed a brochure on quitting smoking specifically for employees and employers. This brochure provides information and strategies to help workers learn how to quit smoking and workplaces to learn how to support workers in their efforts to quit. Up to 100 copies of the brochure are available free of charge.

To access the above resources or to inquire about the smoking cessation program, contact the Tobacco Hotline at 258-2146 x 3112.





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