

Get your butt outside! The Ontario government expands the Smoke-Free Ontario Act

On July 1, 2018, the new *Smoke-Free Ontario Act, 2017* (“SFO Act”) will come into force. This piece of legislation repeals and replaces the *Electronic Cigarettes Act, 2015* and the *Smoke-Free Ontario Act*.

The purpose of this new legislation is to expand on the restrictions found in earlier pieces of legislation which prohibit the use of tobacco and electronic cigarettes in “prohibited places” to include medical cannabis. The definition of “prohibited places” includes enclosed public spaces, enclosed workplaces, schools and indoor common areas of university or college residences, all of which are specifically defined in the legislation.

The SFO Act also provides for specific employer obligations, which includes:

- ensuring that no person smokes or holds lighted tobacco, smokes or holds lighted medical cannabis, uses an electronic cigarette, or consumes a designated product or substance, with respect to an enclosed workplace or designated area over which the employer exercises control
- giving notice to each employee in the enclosed workplace or designated area of these prohibitions
- posting prescribed signs respecting the prohibitions throughout the enclosed workplace, place or area, including washrooms
- ensuring no ashtrays or similar equipment remain in the enclosed workplace or place or area other than vehicles in which ashtrays have been installed by the manufacturer
- ensuring that a person who refuses to comply with the prohibitions does not remain in the enclosed workplace or place or area
- ensuring compliance with any prescribed obligation, which includes not taking disciplinary or penalizing action against an employee because they have acted in accordance with the SFO Act

All Ontario employers should be aware that failure to comply with the SFO Act, including the posting requirements, is considered an offence under the legislation and can result in fines being imposed against the employer.

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We encourage you to contact an e2r® Advisor should you have any questions regarding this legislation and how it may impact your workplace.

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