

**THE CORPORATION OF THE  
TOWNSHIP OF ARMSTRONG**

**BY-LAW 2020-17**

**BEING A BY-LAW TO ADOPT A SMOKE FREE POLICY**

**WHEREAS** Section 5(3) of the Municipal Act, 2001 S.O. 2001, Chapter 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** Section 8(1) of the Municipal Act, S.O. 2001, as amended, states that the powers of a Township under this or any other Act shall be interpreted broadly so as to confer broad authority on a Township to enable it to govern its affairs as it considers appropriate and to enhance the Township's ability to respond to municipal issues;

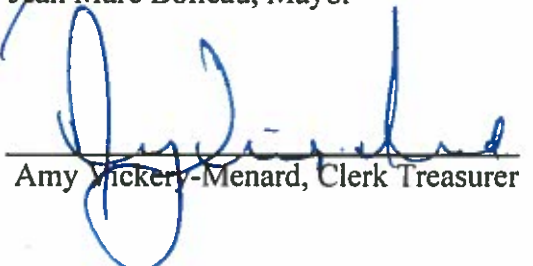
**AND WHEREAS** Municipal Council deems it desirable to provide a healthy and safe work environment for employees, clients, contractors and visitors.

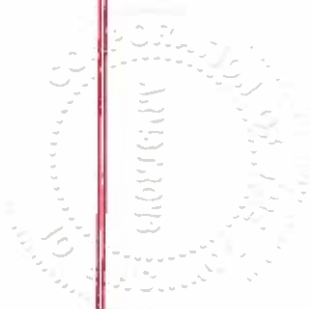
**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Township of Armstrong enacts as follows:

1. **THAT** the Smoke Free Policy attached hereto as Schedule "A" to this By-Law be adopted.
2. **THAT** the Mayor and Clerk be and they are hereby authorized to sign this By-Law and to affix the corporate seal thereto.
3. **THAT** the provisions of this By-law shall come into force and be in effect upon final passage thereof.
4. **THAT** all other by-laws and resolutions or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED this 22<sup>nd</sup> day of April, 2020**

  
Jean Marc Boileau, Mayor

  
Amy Vickery-Menard, Clerk Treasurer



<b>POLICY TITLE:</b> Smoke Free Workplace	<b>SUBJECT:</b> Health & Safety
<b>POLICY SECTION:</b> Human Resources	<b>ENACTED BY:</b> By-Law No. 2020-17 <b>EFFECTIVE DATE:</b> April 22, 2020

**1. PURPOSE**

The Corporation of the Township of Armstrong is committed to providing a healthy, comfortable and productive workplace for employees and the public using municipally owned facilities by providing information and guidelines of the requirements of the Smoke Free Ontario Act.

The purpose of this policy is to protect employees and visitors to the Township of Armstrong from the harmful effects of second-hand smoke and vapour and to ensure compliance with the legislative requirements under the *Smoke-Free Ontario Act*.

**2. SCOPE**

This policy covers smoking and vaping within enclosed workplaces and recreational facilities. This policy applies to municipal employees and members of the public.

**3. DEFINITIONS:**

a) **“Enclosed Workplace” includes but are not limited to:**

- the inside of a building, structure or municipally owned vehicle or equipment that an employee works in or frequents during the course of their employment whether or not they are acting in the course of the employment at the time.
- common areas such as washrooms and lobbies.

b) **“Recreational Facilities”**

- On and within 20 metres (65 feet) on playgrounds and sports fields whether children are present or not and include but are not limited to:
- basketball courts, baseball diamonds, soccer fields, ice rinks, tennis courts, swimming pool, swings, slides, playgrounds, pavilions, and spectator areas associated with these locations.

c) **“Smoking”**

- refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational)

d) **“Vaping”**

- refers to inhaling or exhaling vapour from an electronic cigarette, or holding an activated electronic cigarette, whether or not the vapour contains nicotine or marijuana.

e) **“Employer”**

- refers to the Township of Armstrong and/or employee representing the employer in a supervisory role within the organization.

**4. RESPONSIBILITIES: EMPLOYERS**

- Post “No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign at entrances of enclosed workplaces and recreational facilities.
- Remove ashtrays or similar items from any smoke-free and vape-free areas.
- Employees shall not smoke, vape or place an ashtray for the use of smokers, vapers in an enclosed workplace or recreational facilities.
- The Township of Armstrong will ensure that employees are aware of this policy and any areas where smoking is prohibited.

An employer may not dismiss, threaten to dismiss, discipline, suspend, penalize, intimidate or coerce an employee who follows the policy or seeks compliance with it.

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**5. RESPONSIBILITIES: EMPLOYEES**

- Supervisors will ensure adherence to the Policy and take appropriate corrective action as required.
- Employees shall not smoke in an enclosed workplace, recreational facilities or any public place or area where smoking and vaping are banned.
- Employees shall remove ashtrays or any object that serves as one.
- Employees shall encourage the public to follow the Smoke Free Ontario Act, by asking them to refrain from smoking in areas where smoking is banned or asking them to leave the premises.

**6. ENFORCEMENT**

Enforcement is a joint effort between the local health unit, employer, employee and public to encourage employees and the public to comply with the Smoke Free Ontario Act. The Public Health Unit is the enforcement agency and may investigate and enforce accordingly.

**7. DISCIPLINE**

Failure by an employee to comply with this policy shall result in the following progressive disciplinary action:

**Step 1**

If a violation occurs in which an employee is observed smoking or vaping, the supervisor shall:

- Issue a verbal warning; and
- Remind the employee of the Smoke Free Ontario Act and Smoke Free Workplace Policy; and
- Make a note of the verbal warning and place it in the employee’s personnel file for the period of one year.

**Step 2**

If a violation is repeated, the supervisor shall:

- Issue a written violation notice outlining the details of the violation; and
- Give a copy of the notice to the employee; and
- Place a copy of the notice in the employee’s personnel file for the period of one year.

**Step 3**

If an employee continues to violate the law, the employer shall:

- Contact the Tobacco Control Officer and take the following steps:
  - Complete an incident report and complete a witness statement and send it to the Timiskaming Health Unit for follow up.

Continued non-compliance may result in further disciplinary actions up to and including dismissal.