

SUBJECT: SMOKE AND E-CIGARETTE FREE WORKPLACE POLICY – All Staff	
DATE OF ISSUE: March 31, 2008	ORIGIN: Administration
REVISION DATE: April 1, 2015 May 24, 2017 September, 2018	

POLICY OBJECTIVES

The District aims to protect the health of its employees by banning the use of certain substances to reduce staff’s exposure to hazardous second-hand smoke emissions, and e-substances. This Policy is subject to, and should be read in conjunction with the Substance Use/Abuse Policy.

POLICY

The District of Saanich (District) requires employees to at all times comply with the BC Tobacco and Vapour Products Control Act, as amended, the Cannabis Control and Licensing Act and associated Regulations, and the CRD Clean Air Bylaw No. 3962, as amended. These laws specify where smoking tobacco and cannabis, and the use of vapour products and electronic cigarettes are banned, and include requirements that come into force in October 2018 when cannabis is legalized in Canada. The District requires that employees at all times abide by any and all laws in force that govern smoking and the use of vapour products.

In addition to the prohibitions against smoking and the use of vapour products established by legislation, and set out in the Substance Use/Abuse Policy, this policy prohibits all persons from smoking tobacco or cannabis, or using vapour products at or in the following District work sites:

- any District-owned or leased building, structure, or any other District worksite that is fully or substantially enclosed;
- all municipal parks, playgrounds, playing fields, public squares;
- outdoor areas that are within seven (7) meters of doorways, open windows or ventilation air intakes of Saanich owned or leased buildings, enclosed structures or vehicles.

Staff are also prohibited from consuming any form of cannabis in any vehicle used for work, whether stationary or in motion, in accordance with the District’s Substance Use/Abuse Policy.

There may be exceptions to this Policy including:

- the ceremonial use of tobacco in a traditional aboriginal cultural activity
- for non-cannabis-containing vapour products that are prescribed, or used for reducing nicotine dependence. Employees seeking to use medically prescribed vapour products must disclose their need to use such products to the Specialist, Wellness and Benefits, or a supervisor, prior to breaching this policy, to determine whether their use of the prescribed vapour product can be accommodated.

- Employees are allowed to smoke tobacco or vape non-cannabis containing vapour products in their personal vehicle provided this does not expose another employee to the non-cannabis containing vapour products.

Saanich management and employees will advise the public who are observed smoking tobacco or cannabis or vaping in these areas to stop. Where the public continues to smoke or vape, District staff will report the situation to the appropriate enforcement agency (Island Health Tobacco Control Program (250-360-1450)). Signs will be posted to reflect these bans.

DEFINITIONS

"Cannabis" means:

- a) Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than one of the following part of the plant: a non-viable seed of a cannabis plant; a mature stalk, without any leaf, flower, seed or branch, of such a plant; fibre derived from a stalk referred to in item; or the root or any part of the root of such a plant
- b) Any substance or mixture of substances that contains or has on it any part of such a plant
- c) Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained

"E-cigarette" means the following:

- a) a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an e-substance for inhalation or release into the air;
- b) a prescribed product or device similar in nature or use to a product or device described in paragraph (a).

"E-substance" means a solid, liquid or gas

- a) that, on being heated, produces a vapour for use in an e-cigarette, regardless of whether the solid, liquid or gas contains nicotine, and
- b) that is not a controlled substance within the meaning of the *Controlled Drugs and Substances Act* (Canada).

"Tobacco" means tobacco leaves or products produced from tobacco in any form or for any use.

"Vapour product" means the following:

- a) an e-cigarette;
- b) an e-substance;
- c) a cartridge for or a component of an e-cigarette.

ROLES AND RESPONSIBILITIES

1. Administrator

Approves the policy, procedures and associated updates.

2. Director of Corporate Services

Maintains an effective policy and related procedures.

3. Manager, Occupational Health and Safety (OHS)

- (a) Administers the policy and/or procedures;
- (b) Conducts, in consultation with the Central Occupational Health and Safety Committee, an annual review of the policy, procedures and educational materials and recommends appropriate revisions;
- (c) Provides advice regarding the correct and consistent application of the policy and procedures for reporting and investigating incidents and complaints; and
- (d) Ensures the provision of educational material to all staff.

4. Department Heads

- (a) Ensure that all Departmental employees and contractors hired by their department are aware of and compliant with the policy;
- (b) Enforce the policy within the Department;
- (c) Recommend changes in policy and procedures; and
- (d) Assist managers and supervisors in matters related to the application of the policy and procedures.

5. Management and Supervisory Personnel

- (a) Ensure all reporting employees and contractors are aware of and compliant with the policy;
- (b) Assist the Department Head in enforcing the policy;
- (c) Initiate appropriate corrective action in consultation with the Department Head and/or Manager OHS and/or staff. NOTE: If progressive discipline is necessary, Human Resources personnel and union representation may be included at any meeting in accordance with the Discipline Policy;
- (d) Encourage and support employees who are interested in quitting.¹

6. Employees

All employees have a duty to comply with the policy and ensure reporting any non-compliance with the policy to their immediate supervisor.

7. Contractors

All contractors hired by the District of Saanich must ensure that their workers comply with this policy.

1

Employees who are interested in quitting smoking are reminded that our extended health benefit plans will cover the cost of prescription medications that your physician may prescribe. Also, the Vancouver Island Health Authority (VIHA) will assist and has an excellent website of resources at <http://www.viha.ca/mho/tobacco/cessation/>.

BACKGROUND AND RATIONALE

The District has banned smoking tobacco in all municipal buildings and vehicles since July 1, 1990. Since that time the policy has been updated to address changes in provincial and regional laws. These laws originally banned smoking tobacco inside enclosed public places and workplaces. The laws subsequently expanded this ban to outdoor areas such as areas within prescribed distances to building openings, and to parks and playgrounds. These laws also and expanded the scope of bans to address where cannabis can be smoked or consumed. Below are some of the more recent changes to provincial and regional laws.

In 2016 the provincial *Tobacco Control Act* became the *Tobacco and Vapour Products Control Act*, extending the ban to include vapour products and e-cigarettes and the prescribed distance of the buffer zone around doorways, windows and air intakes was increased from 3 metres to 6 metres. *The Cannabis Control and Licensing Act* was introduced in 2018 and outlines where smoking and consuming cannabis is banned.

CRD Bylaw No. 3962 came into effect on April 1, 2015 making all parks, playgrounds, playing fields, public squares and bus stops smoke-free. It also extended the provincially regulated smoke-free buffer zone outside of doorways, windows and air intakes from three (3) metres to seven (7) metres. An amendment in 2018 extended the ban to also include the burning of cannabis.

Although the District supports employees' efforts to quit smoking, at this time it does not support the use of non-prescribed electronic cigarettes (e-cigarettes) for the following reasons:

- some e-cigarettes contain nicotine and these have not been authorized by Health Canada for marketing in Canada;
- some e-cigarettes contain other ingredients that pose potential health hazards to bystanders;
- there is no reliable way to distinguish which e-cigarettes contain nicotine or other hazardous ingredients;
- there is a public health concern that the use of e-cigarettes will renormalize smoking.

However, there may be exceptions for where an employee has been medically-prescribed a vapour product or devices used for nicotine-replacement therapy or other medical purposes. This exception does not extend to vapour products containing cannabis. As set out above under exceptions, employees seeking to use medically prescribed vapour products must disclose their need to use such products to the Specialist, Wellness and Benefits, or a supervisor, prior to breaching this policy, to determine whether their use of the prescribed vapour product can be accommodated.