

Ministry of Health



Smoke-Free Ontario Act, 2017

How the Act Affects: Enclosed Workplaces

The Basics

The *Smoke-Free Ontario Act, 2017* prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical or recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

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

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

Enclosed Workplaces

Employees are protected, by law, from exposure to second-hand smoke and vapour in an enclosed workplace. This is defined as the inside of any place, building, structure, or vehicle (or any part of them) that is covered by a roof and that employees work or spend time in during their work day, even during off-hours when people are not working. For example, an enclosed workplace includes an office building, the inside of a trailer office on a construction site, or a delivery truck (work vehicle).

Exemption – Use of Tobacco for Traditional Indigenous Cultural or Spiritual Purposes

The prohibition on smoking tobacco or holding lighted tobacco in an enclosed workplace or an enclosed public place does not apply to:

- An Indigenous person who smokes tobacco or holds lighted tobacco for traditional Indigenous cultural or spiritual purposes.
- A non-Indigenous person who smokes tobacco or holds lighted tobacco, if the activity is carried out with an Indigenous person for traditional Indigenous cultural or spiritual purposes.

Outdoor Places associated with Enclosed Workplaces

An employer may provide employees who smoke or vape with a shelter outdoors for the purpose of smoking or vaping. The shelter must not have more than two walls and a roof, and must comply with other rules in the *Smoke-Free Ontario Act, 2017*.

For example, cafeterias in a workplace are treated the same as a restaurant in which food or drink are served, sold, or offered. As such, smoking and vaping is not permitted inside the cafeteria or on outdoor patios that are part of or next to the cafeteria.

Responsibilities of Employers

An employer includes an owner, manager or overseer of a workplace or job site who is responsible for, directly or indirectly, an employee.

Every employer of an enclosed workplace must:

- Give notice to each employee that smoking and vaping is not allowed in the place.
- Post "No Smoking" and "No Vaping" signs, or a dual "No Smoking and No Vaping" sign at entrances, exits and washrooms of the place, in appropriate locations and in sufficient numbers, to ensure that employees are aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain in the place.
- Ensure that no one smokes or vapes in the place.
- Ensure that someone who refuses to comply with Ontario's smoking and vaping laws does not remain in the place.

Employees

An employee is:

- A person who performs any work for, or supplies any services to, an employer; or
- A person who received any instruction or training in the activity, business, work, trade, occupation or profession of an employer.

Protection for Employees

An employer cannot:

- Dismiss (or threaten to dismiss) an employee;
- Discipline or suspend an employee (or threaten to do so);
- Impose any penalty upon an employee; or
- Intimidate or coerce an employee, for following or attempting to enforce the SFOA, 2017.

If this were to happen, the employee may file a complaint in accordance with the procedure set out in the Occupational Health and Safety Act.

For more information about filing a complaint, please call the Ministry of Labour:
Toll-free: 1-800-531-5551

Or visit the [Ministry of Labour](#) Website.

Enforcement

Local public health units carry out inspections and respond to complaints about smoking and vaping in enclosed workplaces.

Penalties

An individual who violates the prohibition on smoking or vaping in an enclosed workplace may be charged with an offence, and on conviction could be subject to a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

An employer that fails to fulfill their responsibility under the law may be charged with an offence, and if convicted, could face a maximum fine:

Signage responsibilities

- For individuals: \$2,000 (for a first offence); \$5,000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- For corporations: \$5,000 (for a first offence); \$10,000 (for a second offence); \$25,000 (for a third offence); \$75,000 (four or more offences).

Retaliation against an employee

- For Individuals: \$4,000.
- For Corporations: \$10,000.

Other responsibilities

- For individuals: \$1,000 (for a first offence); \$5,000 (two or more offences).
- For corporations: \$100,000 (for a first offence); \$300,000 (two or more offences).

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local Public Health Unit.

You may also obtain information by calling toll-free:

- **INFOLine** 1-866-532-3161
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Standard Time)

For specific information on smoking and vaping laws in enclosed workplaces, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>.

For more information on the *Smoke-Free Ontario Act, 2017*, please visit the Ontario Ministry of Health website: ontario.ca/smokefree.