

Annex B

3.2.2.5

Infrastructure for enforcement for banning tobacco smoking in public places

British Columbia

The Health Authorities (HAs) enforce the *Tobacco Control Act/Tobacco Control Regulations* (TCA/TCR) and have tobacco enforcement officers (TEOs) and environmental health officers (EHOs). The latter have the authority to ticket individuals/corporations and there is also an administrative hearing process for specific contraventions. The HAs have jurisdiction throughout BC. The TEOs and EHOs conduct at least one annual inspection of the tobacco retailers (TRs). There may be more inspections depending on whether or not compliance with the legislation is an issue. Penalties for contraventions range from \$0-\$5000. There are also prohibition periods (when a TR cannot sell tobacco) which range from 0-180 days. Different enforcement strategies target different contraventions, for example, sales to minors involves HAs hiring minor test shoppers to see if TRs are adhering to the legislation. The enforcement strategy also applies to displays in stores which can be seen by minors. There is a complaint driven system whereby members of the public can send in a complaint which will be investigated by TEOs/EHOs.

Alberta

The *Tobacco Reduction Act* and the *Tobacco Reduction Regulation* have police agencies as the primary enforcers. In addition, the Alberta Gaming and Liquor Commission also provide enforcement support related to specific sections of the legislation. The bylaws are enforced by community bylaw officers.

The Alberta Health Services Tobacco and Smoke Free Environments Policy are enforced through designated peace officers.

Since Alberta's last submission, the Alberta Health Services Tobacco and Smoke Free Environments Policy has been implemented. This Policy is aligned with several of the principles in Article 8 of the FCTC, and has a strong enforcement component. Enforcement staff at the healthcare sites have been classified as peace officers which allow them to ticket under provincial tobacco legislation. This reclassification allows for monetary fines to be coupled with other sanctions for non-compliance with the Policy.

Saskatchewan

Tobacco Enforcement Officers (TEOs) employed by Regional Health Authorities enforce the provisions in *The Tobacco Control Act* that prohibit smoking in enclosed public places. The powers of the TEOs are identified in section 17 of *The Tobacco Control Act*.

The enforcement agency of the Occupational Health and Safety Regulations is the Ministry of Labour Relations and Workplace Safety, Occupational Health and Safety Division. Workplace inspections are done by Occupational Health and Safety Officers who note violations and enforce the Act and regulations. The smoking regulations are typically addressed during normal inspection activities or as a result of a complaint against an employer that there is a violation of this legislation. When a violation of Regulation 77 is noted, the tool used is a Notice of Contravention which is issued under the OHS legislation. The notice requires an employer to take action to correct a circumstance or activity that contravenes this legislation within a specified time period. If the employer fails to correct the contravention and continues the activity, it is deemed as flagrant non compliance and may be recommended for prosecution. Prosecutions may result in fines up to \$10,000 and if the contravention continues, there may be an additional fine of up to \$1000 per day for every day the offense continues. If a second offense is recorded then the fine structure doubles.

Manitoba

Schools must enforce the no-smoking on school grounds policy or be answerable to the Department of Education and be compelled to take steps to adhere to the policy. Provincial parks have Enforcement Officers who will enforce the no-smoking policy on beaches and playgrounds. Officers can evict for non-compliance.

Québec

Nous identifions d'inspecteurs qui sont responsables de surveiller la conformité de la loi.

New Brunswick

Public Health Officers, Occupational Health and Safety Officers and Liquor Control Inspectors monitor compliance with legislation protecting Canadians from exposure to tobacco smoke. RCMP and police officers ensure enforcement of the legislation as it pertains to smoking in vehicles. Hospital security and administrators ensure compliance on their facility grounds.

Prince Edward Island

Environmental Health Officers, Occupational Health and Safety Officers and Liquor Control Inspectors monitor compliance with legislation protecting Canadians from exposure to tobacco smoke. RCMP and police officers ensure enforcement of the legislation as it pertains to smoking in vehicles. Hospital security and administrators ensure compliance on their facility grounds.

Newfoundland and Labrador

It is an offence to smoke in prescribed public places. The law dictates a penalty for violations. Enforcement of the *Smoke-Free Environment Act, 2005* is the responsibility of

Service Newfoundland and Labrador. Environmental Health Officers enforce the public places provisions while Occupational Health and Safety Officers enforce the workplace provisions.

Northwest Territories

Environmental Health Officers can ticket and lay charges for violations of the Northwest Territories *Tobacco Control Act* and *Environmental Tobacco Smoke Work Site Regulations*.