



# Smoke-Free Ontario Act, 2017

## How the Act Affects: Home Health Care Workers

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### 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 and recreational) in all 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 vapour, or exhaling vapour from an electronic cigarette or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

### Home Health Care Workers

A home health-care worker is someone who provides health care services in private homes through a Local Health Integration Network or an organization that receives funding from the Ministry of Health and Long-Term Care or a Local Health Integration Network.

### Protection for Home Health Care Workers

Home health-care workers have the right to ask a person not to smoke or vape in their presence while they are providing health care services. If a person refuses to stop smoking or vaping, the home health-care worker has the right to stop what they are doing and leave, unless doing so would present an immediate, serious danger to someone's health.

### Responsibilities of the Home Health Care Worker Who Leaves a Client's Home Because Somebody Refuses to Stop Smoking or Vaping

The regulation under the *Smoke-Free Ontario Act, 2017* (SFOA, 2017) requires that a home health care worker who exercises his or her right to leave a home notify their

employer within 30 minutes or as soon as reasonably possible:

- That the worker has left;
- Whether an appropriate person is present and available to care for the client;
- If the client would require care in the next 24 hours;
- In what situation the client was in when the worker left; and
- Whether there are any unusual circumstances and if so, what they are.

As well, the worker must follow any guidelines provided by the employer that are reasonably aimed at making sure the client is kept safe and provided with a reasonable level of care.

## **Employer Obligations**

Employers are not permitted to:

- 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, because the employee (including a health care worker) has exercised their rights under the SFOA, 2017 or attempted to enforce the SFOA, 2017.

## **Rights under the *Occupational Health and Safety Act***

Workers in the healthcare sector have additional rights and requirements under the *Occupational Health and Safety Act*.

For more information, please call the Ministry of Labour Health and Safety Contact Centre:

**Toll-Free:** 1-877-202-0008

**TTY:** 1-855-653-9260

Or visit the [Ministry of Labour](http://www.ministryoflabour.ca) website.

## **Enforcement**

Local public health units are responsible for ensuring compliance with the *Smoke-Free Ontario Act, 2017*.

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, 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 and Long-Term Care website: [ontario.ca/smokefree](http://ontario.ca/smokefree).