

Compliance Cheat Sheet: Workplace Smoking & Vaping Laws in Each Part of Canada



In addition to exposing co-workers to second hand smoke hazards, letting workers smoke or vape in the workplace exposes your company to penalties for violating indoor smoking laws. But while all jurisdictions require employers to ban workplace smoking and vaping, the specific rules vary significantly by geography:

- What's considered a 'workplace';
- Whether the ban extends to company vehicles;
- Whether employers can have designated smoking rooms (DSRs);
- The kinds of signs that must be posted;
- What other measures employers must take to prevent smoking or vaping in prohibited areas.

The Table below summarizes the key differences in each jurisdiction's law.

Jurisd.	Where Employer Must Ban Smoking	Designated Smoking Rooms (DSRs) Allowed'(1)	Required Signs(2)	Other
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<p>FED <i>Non-Smoker's Health Act & Reg.</i></p>	<p>*'Work space': Any indoor or enclosed space employees perform job duties, including adjacent corridor, lobby, stairwell, elevator, cafeteria, washroom or other common areas employees frequent *Covers vaping</p>	<p><u>YES, IF:</u> * JHSC/health safety rep approves * DSR is independently ventilated</p>	<p>Employer must post signs saying smoking is banned, either in writing or using no-smoking symbol, except in DSR, and listing DSR location</p>	
<p>AB <i>Tobacco & Smoking Reduction Act & Reg.</i></p>	<p>* 'Workplace': All or any part of building, structure or enclosed area in which employees do job duties, including reception areas, corridors, lobbies, stairwells, elevators, escalators, eating areas, washrooms, lounges, storage areas, laundry rooms, enclosed parking garages *Within 5 metres of workplace doorway, window or air intake *Inside work vehicles</p>	<p>NO</p>	<p><u>At each entrance and inside workplace (and in vehicle):</u> * At least 1 m high *No more than 2.4 m from entrance floor *At least 20 cm by 26 cm with surface area of at least 520 cm² *Workplace vehicle sign must be at least 10 cm by 10 cm with surface area of at least 100 cm² *Listing no-smoking symbol & phrase 'no smoking' * On contrasting background making text clearly legible</p>	<p>*Corporate officers/directors liable for offences they direct, authorize, assent to, acquiesce or participate in *Employer vicariously liable for offences of employees or agents unless it can show it had no knowledge & used due diligence to prevent offence</p>

<p>BC <i>Tobacco & Vapour Products Control Act & Reg.</i></p>	<p>*'Workplace:' Any place person performs services for compensation, including places used in conjunction with workplace like a bathroom, meeting room or building or structure used for taking breaks *Within 6 metres of workplace doorway, window or air intake *In work vehicles that have a roof or are enclosed</p>	<p>NO</p>	<p>Not specifically required</p>	<p>Employer liable for employees' offences unless it can show it exercised due diligence to prevent the offence</p>
<p>MB <i>Smoking & Vapour Products Control Act & Reg.</i></p>	<p>* 'Indoor workplace': Enclosed area of building, structure, mine or other premises employees work, including any eating area, washroom, corridor, lounge, reception area, lobby, elevator, escalator, stairway, amenity area, storage area, closet, laundry room, parking garage or other enclosed areas employees use or frequent *Inside vehicle used in employment carrying 2 or more employees</p>	<p>NO</p>	<p><u>At each entrance and inside workplace:</u> * Say 'no smoking' and/or list symbol * Text at least 28 mm high * At least 2 contrasting colours making text clearly legible in any lighting *Symbol of circle and interdictory stroke in red on white background with outside circle diameter at least 100 mm *Sign not required inside work vehicle</p>	<p>*Employer must ban ashtrays *No harassing or retaliating against employee for providing info 'in good faith' under law</p>

<p>NB <i>Smoke-Free Places Act & Reg.</i></p>	<p>*'Indoor workplace': Enclosed place where employees do job duties, including adjacent corridor, lobby, stairwell, elevator, escalator, eating area, washroom, restroom or other enclosed area employees frequent *Within 9 metres of workplace doorway, window or air intake *Inside vehicle used in employment carrying 2 or more employees</p>	<p>NO</p>	<p>* Sign must have no-smoking symbol of red circle bisected by red interdictory stroke on white background with outside circle diameter at least 65 mm *Sign may also include text banning smoking *Sign not required inside work vehicle</p>	<p><u>Employer must:</u> *Ban ashtrays *Take reasonable precautions to minimize exposure of employees to smoke in places where smoking is permitted under Act</p>
<p>NL <i>Smoke-Free Environment Act, 2005 & Reg.</i></p>	<p>"Workplace': Indoor or other enclosed space where employees do job duties, including adjacent corridor, lobby, stairwell, elevator, cafeteria, washroom or other common area employees frequent in course of their employment</p>	<p>YES <u>DSR/E-Cigarette Room OK if it:</u> *Isn't a room normally occupied by non-smokers/vapers *Meets rigorous independent ventilation requirements set out in Sec. 6 of Regs.</p>	<p><u>Employer must post signs</u> *Saying smoking is banned (in text or symbol) except in DSR/E-Cig Room *Listing DSR/E-Cig Room location(s) *Marking the DSR or E-Cig Room as such</p>	<p>No reprisals against employees for acting in accordance with or seeking enforcement of Act</p>
<p>NS <i>Smoke-free Places Act & Reg.</i></p>	<p>*'Place of employment': Enclosed place where employees perform job duties, including adjacent corridor, lobby, stairwell, elevator, escalator, eating area, washroom, restroom or other common area employees frequent * Inside vehicle used in employment carrying 2 or more employees</p>	<p>YES <u>DSR OK if it:</u> *Isn't a room employees must enter or access to do their job *Meets rigorous ventilation requirements of Secs. 3, 4 and 5 of Regs. *Is no bigger than: i. 92.9 m² for place with area less than 929 m²; or ii. 10% of total area for place with area greater than 929 m²</p>	<p>*No specific requirement to post no-smoking signs *A 'Designated Smoking Room' sign must be posted immediately above or near each DSR entrance and be unobstructed by other signs, ads or promotions</p>	<p>*Employer must ban ashtrays *Law specifies that OHS work refusal rights apply to a 'place of employment' covered by the Act</p>

<p align="center">ON <i>Smoke-Free Ontario Act & Regs.</i></p>	<p>'Enclosed workplace': The inside or part of any place, building or structure or vehicle or conveyance that's covered by a roof, employees work in or frequent and that's not primarily used as a private dwelling *Vehicles used in employment</p>	<p align="center">YES <u>Controlled Areas for Smoking/Vaping</u> <u>OK if it's:</u> *Enclosed and separated from rest of building *Not used as a thoroughfare *Maintained in accordance with Schedule 1 of Reg. *Cleaned every day & nobody smokes/vapes in it during cleaning *Compliant with all building & fire codes *Marked with an appropriate sign *Meets rigorous ventilation requirements of Reg. *Meets additional requirements of Schedule 2 of Reg.</p>	<p>Employer must post at each entrance and exit of enclosed workplace signs 1 and 2 or sign 3 listed below, each of which is dated Jan. 1, 2018 and accessible via Govt. of Ontario website: Sign 1: At least 10 cm high and 10 cm wide copy of 'Tobacco Sign for Employers' Sign 2: At least 10 cm high and 10 cm wide copy of 'Electronic Cigarette Sign for Employers' Sign 3: At least 15 cm high and 20 cm wide copy of "Tobacco and Electronic Cigarette Sign for Employers'</p>	<p>*Employer must ban ashtrays *No reprisals against employees for acting in accordance with or seeking enforcement of the Act</p>
<p align="center">PEI <i>Smoke-free Places Act & Reg.</i></p>	<p>'Workplace': Any place, including a construction site, where employee is engaged in work, including a cafeteria, corridor, lobby, restroom, elevator, escalator, stairwell or other common area within that place</p>	<p align="center">YES <u>DSR OK for long-term health care facility if it's:</u> *Structurally separate from rest of building; *Employees aren't required to work in it <u>Outdoor Designated Smoking Area (DSA)</u> <u>OK in other workplaces if:</u> * Entrance is at least 15 feet away and structurally separate from indoor non-smoking parts of building (different rules for patios)</p>	<p><u>Signs banning smoking (except in DSR or DSA if there is one)</u> <u>must:</u> *Be posted conspicuously near every workplace entrance * Be at least 21 cm (8.5 inches) wide and 28 cm (11 inches) high *Not be obstructed by other signs, ads or anything else</p>	<p align="center">No 'discrimination,' i.e., reprisals by employer or union against any employee for acting in accordance with or seeking enforcement of the Act</p>

<p>QC <i>Tobacco Control Act & Reg.</i></p>	<p>* 'Workplaces': Not defined except when they're in a dwelling * Inside vehicles used in employment carrying 2 or more employees</p>	<p>YES <u>'Smoking Shelter'</u> <u>OK if:</u> * It's used only for tobacco smoking * No other activities take place in it * It's located outside a 9-metre radius from any door, air vent or openable window communicating with a childcare or daycare centre</p>	<p>Mandatory to post no-smoking notices but Regs. don't list sign specifications</p>	<p>If person smokes in area where smoking is banned employer deemed to tolerate it unless employer shows it used due diligence via having no ashtrays and posting clearly visible notices stipulating that smoking is banned</p>
<p>SK <i>(OHS Regs.</i></p>	<p>* 'Enclosed place of employment': Within a building or other enclosed place including a vehicle and specific areas of underground mines * 'Enclosed work-related area' or 'building': Within a building or other enclosed place</p>	<p>NO</p>	<p>Mandatory to post no-smoking signs that are clearly visible signs to people entering enclosed place of employment but Regs. don't list sign specifications</p>	<p>Worker may refuse to enter enclosed worksite if visible tobacco smoke is present or < 30 minutes have passed since a tobacco product was extinguished in site</p>

<p align="center">NT <i>Tobacco Control Act & Reg.</i></p>	<p>“Workplace’: All or any part of building, structure, vehicle or conveyance where employee(s) work, including any other area employer provides for employees’ use</p>	<p align="center">YES</p> <p><u>DSR OK if:</u></p> <ul style="list-style-type: none"> * Not open to public * Set aside exclusively as a smoking room * Structurally separated from rest of workplace *Constructed so smoke doesn’t enter other areas * If needed to keep smoke out of other areas, has separate, non-recirculating exhaust ventilation system that: i. meets smoking lounge requirements of ASHRAE 62-2001, <i>Ventilation for Acceptable Indoor Air Quality</i>; and ii. discharges directly to outdoors * Appropriate signs (see next column) conspicuously posted at each entry 	<p><u>Employer must post:</u></p> <ul style="list-style-type: none"> * Signs containing no-smoking graphic of at least 7 cm in diameter in red on white or clear background at each entrance to workplace in conspicuous location * If there’s a DSR, signs of at least 28 cm x 21.5 cm legibly stating ‘This is a designated smoking room in compliance with the Tobacco Control Regulations’ centred horizontally in type size taking up between 30%-40% of sign’s total surface area 	<ul style="list-style-type: none"> *Employer must ban ashtrays, matches, lighters or other things facilitating smoking *Officers/directors liable for offences they direct, authorize, assent to, acquiesce or participate in *Employer vicariously liable for offences of employees or agents unless it can show it had no knowledge & exercised due diligence to prevent offence
<p align="center">NU <i>Tobacco Control Act and Reg.</i></p>	<p>*“Workplace”: All or any part of a building, structure, vehicle or conveyance or part in which employee(s) work, including any other area employees use</p> <p>*Within 3 m radius of workplace exits and entries</p>	<p align="center">NO</p>	<p><u>Mandatory to post sign:</u></p> <ul style="list-style-type: none"> * In conspicuous and unobstructed location at each workplace entry, seating/waiting room and washroom * Of at least 76 mm x 76 mm containing 100 mm diameter version of one of the no-smoking symbols shown in Schedule C or D of Reg. 	<ul style="list-style-type: none"> *Employer must ban ashtrays and other smoking gear *No reprisals against employees for acting in accordance with or seeking enforcement of Act

Yukon <i>Smoke-Free Places Act and Reg.</i>	<p>*'Place of employment': Enclosed place where employees perform job duties, including adjacent corridor, lobby, stairwell, elevator, escalator, eating area, washroom, restroom or other common area employees frequent</p> <p>*Within 5 m of doorway, window or air intake of place of employment</p> <p>* Vehicle used in employment carrying 2 or more persons</p>	NO	<p><u>Mandatory to post signs:</u></p> <ul style="list-style-type: none"> * Conspicuously * Of at least 7.5 cm x 7.5 cm *Displaying a black or red graphic of international no-smoking symbol at least 5.6 cm in diameter *With a contrasting background(3) 	<p>*Employer must ban ashtrays, receptacles and smoking gear</p> <p>*Ban on reprisals against employees for 'providing information' under Act</p>
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Notes:

(1) Jurisdictions banning DSRs generally make limited exceptions for workplaces that are dwellings and/or nursing and other long term health care facilities

(2) In addition to requiring the posting of signs, indoor smoking laws ban anybody from defacing or removing them, other than the employer or a manager (or the building owner or manager)

(3) In Yukon, additional signs are required when persons are seen smoking within 5 metres of doorways, windows or air intakes that:

* Are at least 15.3 cm x 15.3 cm

* Display a black or red international no-smoking symbol graphic at least 10 cm in diameter

* Have a contrasting background

* State in letters at least 1 cm high: 'No smoking within 5 metres'