

A Northwestern Ontario “Gold Standard” Smoke-free Bylaw

The debate around a smoke-free bylaw has a number of predictable arguments. On one level these arguments are all out-weighed by the fact that second-hand smoke is a known health hazard and therefore must be eliminated in enclosed spaces. Nonetheless, it has to be acknowledged that there are arguments against a bylaw that municipalities will face. What follows in table form is a brief outline of the arguments against a bylaw and the answer that disputes such arguments. You decide which side your council is on.

Argument against a Smoke-free Bylaw	The Other View
The province should be the government to make workplaces smoke-free.	That is true. But they have declined to act and have therefore put workers in your community at risk for life threatening diseases. They have, however, empowered municipalities to protect their own citizens. Consider the fact that exposure to second-hand tobacco smoke is the leading cause of workplace death in this country. When a government at any level will not move to protect their citizens from a known poison, that government opens themselves up to potential litigation from workers and public who are exposed because the government refused to act to protect them. You cannot protect the Ontario government from this threat but you can protect your municipality from being named in the lawsuit by using the power given to you to protect your citizens.
Tobacco is a legal substance in Canada and smokers have the right to smoke it.	That is true. But in democratic countries like Canada the right to do <i>something</i> is predicated on the basis that your <i>something does no harm to others</i> . That cannot be said about tobacco smoke in enclosed spaces. Smokers have the right to smoke outside and in their own homes but not in enclosed spaces where the smoke from their tobacco has the opportunity to poison others.
The businesses that the bylaw will affect are private businesses and we have no right to tell them what to do.	Proprietors of restaurants and bars and other hospitality businesses are compelled, with good reason, to comply with food safety and sanitation standards, liquor license conditions, and building and fire codes. A smoke-free bylaw that dictates smoke-free indoor spaces is no different in its application or intent.
A smoke-free bylaw will negatively affect the hospitality businesses in our community because the majority of their customers are smokers...smokers spend more money....smokers won't come to a non-smoking space.... etc THIS IS THE “BIGGIE”	The vast majority of the NWOnt public are non-smokers (70-75% - 1996) and they prefer a smoke-free environment for eating and drinking. If a 100% smoke-free bylaw is written that treats all businesses equally then a “level playing field” is created and the hospitality businesses in your community can go on competing with each other on the basis of ambiance, food and service.

<p>Continued....</p>	<p>If, on the other hand, the bylaw makes exceptions or allows some businesses to take longer than others to go smoke-free then the playing field in your community is not level and some businesses may suffer. There is no independent evidence of higher spending by smokers or of smokers migrating...in fact most of the complaints about going smoke-free come from the proprietors and not from the smokers themselves.</p> <p>There is no independent research to substantiate the claim of negative economic effect. Operators won't produce taxation/ accounting evidence of losses; rather they allege or predict future losses.</p> <p>A very recent Canadian study (GPIAtlantic, Sept 2001) states "Without exception, every objective study using <u>sales tax data</u> demonstrates that smoke-free legislation has <u>no adverse impact</u> on restaurant, bar, hotel and tourism receipts. Indeed, several studies find that restaurant, bar, hotel and tourism receipts <u>increase</u> following smoke-free legislation."</p> <p>As an example, in Ottawa employment in the hospitality business is up following the August 1, 2001 implementation of smoke-free and restaurant bankruptcies are down compared to the previous 2 years.</p>
<p>A smoke-free bylaw written to protect children is easier to "sell" than one that protects adult workers.</p>	<p>Witness what this type of bylaw creates in nearby Winnipeg. Rather than creating smoke-free indoor spaces for everyone it creates a circumstance where family opportunities for eating out are even more limited as restaurants respond by excluding children from their premises.</p> <p>If a municipality chooses this route instead of the 100% route it is very difficult to extend the bylaw to cover adult facilities at some later date.</p>
<p>The Northwestern Health Unit should be spending more time preventing our youth from smoking and helping people to quit.</p>	<p>A smoke-free bylaw in your municipality will create a situation where tobacco use is de-normalized...in the same way that drinking and driving has become de-normalized in our society.</p> <p>The de-normalization of tobacco makes it harder for youth to start smoking in the first place. It also creates an environment where many smokers will find it "too much trouble" to have a cigarette and they will end up cutting down, making it easier to eventually quit. Studies show that the majority of smokers would like to quit if they could.</p> <p>A smoke-free bylaw in a community is the <u>one thing</u> that can <u>do the most</u> towards reducing tobacco use in the population – youth and adults.</p>

For those municipalities who will address the health risks of second-hand smoke exposure of workers and public by passing a bylaw, this sample bylaw represents not just the gold standard in terms of health protection but also the best choice for ease of implementation within the community. The specifics of this claim are outlined as follows:

1) 100% coverage of all workplaces

- 100% smoke-free means *everyone* is protected -all workers *and* the public
- 100% smoke-free provides a “level playing field” for all workplaces where *all* employers have to provide a smoke-free workplace

2) No phase-in period – the bylaw takes effect for every workplace on the same date.

- Non-smokers and *all* employees are protected as soon as the bylaw takes effect
- The level playing field is established from the start (i.e. no business is allowed to operate by different rules than everyone else for a phase-in period of time)

3) Employer responsibly for enforcement

- The bylaw is then largely self-enforcing as employers take responsibility for their employees health and for complying by the laws of the community in which they run their business.
- Proprietors already have responsibility for food safety standards, liquor license conditions, building and fire code standards and are therefore in the best position to make sure that the smoke-free bylaw is enforced in their establishment.

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