

MINE HEALTH AND SAFETY ACT

ENVIRONMENTAL TOBACCO SMOKE WORKSITE REGULATIONS

The Commissioner, on the recommendation of the Minister, under section 45 of the *Mine Health and Safety Act* and every enabling power, makes the *Environmental Tobacco Smoke Worksite Regulations*.

1. Except as otherwise provided by these regulations, a manager shall control the exposure of employees to environmental tobacco smoke at an enclosed worksite by
 - (a) prohibiting smoking in the enclosed worksite; and
 - (b) prohibiting smoking outside the enclosed worksite within a three metre radius of any entrance to or exit from the enclosed worksite.

2. Except as otherwise provided by these regulations, an employee employed at an enclosed worksite shall not smoke
 - (a) in the enclosed worksite; or
 - (b) outside the enclosed worksite within a three metre radius of any entrance to or exit from the enclosed worksite.

3. A manager may permit smoking in a designated smoking structure outside an enclosed worksite, within a three metre radius of an entrance to or exit from the enclosed worksite, if smoke from the structure does not come into contact with employees entering or leaving the enclosed worksite.

4. (1) Where employees at an enclosed worksite are required to remain in the enclosed worksite for the duration of their shifts, a manager may permit smoking in a designated smoking area that
 - (a) is structurally separated from other areas of the enclosed worksite, including other break areas;
 - (b) is constructed so that smoke does not enter other areas of the enclosed worksite; and
 - (c) is clearly identified by signs or other effective means.

(2) If necessary to prevent smoke from entering other areas of the enclosed worksite, the designated smoking area must have a separate, non-recirculating exhaust ventilation system that

 - (a) meets the requirements for a smoking lounge specified in *ASHRAE Standard 62-2001, Ventilation for Acceptable Indoor Air Quality*; and
 - (b) discharges directly to the outdoors.

(3) A manager shall limit the number of people who may occupy a designated smoking area that has a ventilation system, to the number the ventilation system is designed to accommodate.

(4) A manager shall not require an employee, in the performance of his or her duties, to enter a designated smoking area referred to in subsection (1) unless

- (a) entrance into the designated smoking area is required to respond to an emergency that may endanger life, health or property;
- (b) entrance into the designated smoking area is required to investigate for illegal activity; or
- (c) smoke is effectively removed from the designated smoking area before the employee enters it.

5. These regulations come into force on May 1, 2004.

Dated, November 28, 2003.

Fait le 28 novembre 2003.

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Commissioner of Nunavut/
Commissaire du Nunavut