



Councillor Sandy Donald

14 Maple St, Box 62.

Tiverton, Ont.

N0G 2T0

(519) 396 3468

Home: (519) 368 7285

Email: sdonald@laser-imprints.com

Website: <http://www.laser-imprints.com>

Bruce County Proposed Smoking Bylaw.

Public Forum Report

COU-2001-08

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Overview.

The Municipality of Kincardine held a public forum on the draft bylaw proposal from the Bruce-Grey-Owen Sound Health Unit, regarding the establishment of a County Bylaw to Regulate Smoking in Public Places and Workplaces in Bruce County.

This forum took place on June 6th in the Davidson Centre in Kincardine from 6:30pm to 9:00pm, to allow due process for the public to provide input, suggestions and solutions to this health issue.

It was attended by seven Councillors, the Clerk of the Municipality, approximately fifty members of the public and three members of the local media. It was chaired by myself and minutes were recorded by the Clerk.

A presentation was given by the Grey Bruce Health Unit on the bylaw and smoking effects on health.

Three oral presentations were given and twenty-one written submissions received. There was a vibrant and interesting question and answer period after each oral presentation and at the end of the proceedings.

The forum was conducted in an orderly fashion, with many different viewpoints being voiced. I would like to take this opportunity, to thank all who attended, for the way in which they handled this contentious issue, allowing this to be seen as a path towards resolution to this problem, in a democratic and open fashion.

Executive Summary.

This document is meant to be a discussion document for Council for use in making their decision whether to recommend support of the Bylaw. The recommendations contained in this document are from myself, as the Chair of the forum to Council. In the end it must be Council who decides on exactly the path forward.

I believe that the key in regards to the establishment of a smoke free County, may in actuality, lie within the Province's Smoking in the Workplace Law. This is discussed in the details.

It is my overall recommendation that we move forward to support the draft bylaw at the County level. This would be, in my opinion, a proactive stance in support of public health. There are however, several surrounding issues to this. These will have to be looked at critically and discussed. They are included within the document under the details section.

Details:

The public forum heard different viewpoints and statements, from both the pro and con sides of the issue. Everyone who wished to speak was given the chance to do so, in an open and free atmosphere. Rebuttals and questions by the public were allowed and encouraged. The press was also encouraged and given time to, ask questions.

It became quite apparent, that the overall issue of health and health issues were somewhat clouded by the economic argument and to a smaller extent the rights of smokers versus non-smokers. In my opinion, we have to view the issue clearly.

It is a health issue and economic considerations have to come after the health of our citizens and the workers within these facilities. Weighing the health requirements of the public, against business and economic concerns is not as easy as it seems. The health and welfare of all, must come before the economic needs of a few. However, refusing to acknowledge and deal with the business side of the issue, may bring problems to the growth and stability of the community. As a Council, we have to understand the ramifications of moving towards a “smoke free” County, it is not a simple or standalone issue.

To do this, is not an impossible task. It is however, a difficult one. We, as a Council must handle this decision with leadership and strength.

To assist in the discussion, I have listed the surrounding issues:

- 1. Economic downturns within the hospitality industry.**
 - a. I would expect this to be a medium term issue lasting approximately six months to one year. Some business' may not survive.
 - b. Timing of establishment of the bylaw will be critical. This has to be done at the low customer period.
 - c. Patios, to smoke, or not to smoke?
 - d. Definitions need to be laid out within the bylaw, so that business knows what is expected of them. For example, what is outside?
 - e. We will have to support the business' in a non-monetary way to provide marketing of the “smoke free” approach.
 - f. Our citizens will have to get behind the business community and support them, as they move forward into a “smoke free” business environment.
- 2. Enforcement**
 - a. Who will enforce the bylaw. I can see major issues regarding this.
 - b. Is each Municipality going to have to put people on the payroll to enforce this? I do not believe that the business owners should be asked to enforce this bylaw themselves.
- 3. Smoking in the workplace Act**
 - a. Exemptions under the Act. We should lobby the Ministry of Labour to remove the exemptions from the Act. This would allow a logical path forward to removing smoke from all workplaces within the province. This would, in turn provide for the “smoke free” concept to develop. Regardless of whether we go ahead with the bylaw, I would recommend we write to the Province asking for the law to be changed in a systematic way, by removing the exemptions under the Act.

- b. The province has the mechanism to enforce this law.
 - c. The province is slow to act and perhaps the bylaw should be used as the first step, or in parallel with the changes to the Law.
4. **Education.**
- a. People will have to have advanced notice regarding this bylaw being enacted.
 - b. We should look at a phased in approach, over 1 year for the Municipality, from the time of enactment of the bylaw.
 - c. We will need to provide help to the public and business' in regards to setting up to move towards a smoke free environment.
 - d. This will cost money.
5. **Benefits.**
- a. Reduced health costs over the long term.
 - b. Reduced maintenance costs on HVAC units.
 - c. Reduced maintenance costs as regards to cleaning.

Comment.

I would strongly suggest we hold more public forums like this, on any contentious issue. It would allow Council to receive public opinion and suggestions for resolution of issues in a format that does not detract Council from its normal business. Council meetings are time constrained and do not lend themselves to deal with long or complicated discussion items that could possibly wait for an appropriate time. Holding a forum, allows more time for public input and provides due process to the citizens to voice their concerns in a reasonable, democratic and open fashion.

Yours Faithfully,

Sandy Donald.