



Smoke-Free Ontario Act 2005

How the Act Affects: Home Health Care Workers

The Basics

- The Smoke-Free Ontario Act comes into force on May 31, 2006.
- The act prohibits smoking in enclosed workplaces and enclosed public places in Ontario in order to protect workers and the public from the hazards of second-hand smoke.

Home Health Care Workers

A home health care worker is a person who provides health-care or support services in private homes (e.g. nursing care, assistance in bathing client, homemaking services), arranged by a community care access corporation or an entity 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 in their presence while they are providing health care services.
- If anyone refuses the request, the home health care worker can leave without providing further services—unless doing so would present an immediate, serious danger to the health of any person.

Responsibilities of the Home Health Care Worker Who Leaves a Client's Home Because Somebody Is Smoking

Within 30 minutes, or as soon as is reasonably possible after leaving, the home health care worker must phone their employer:

- To advise that they have left; and
- to provide information about the circumstances and care requirements of the client over the next 24 hours, including:
 - 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 when the home health care worker left, and
 - whether there are any unusual circumstances and if so, what they are.

As well, the home health care worker must follow any guidelines provided by the employer that are reasonably aimed at ensuring the person to whom the health care services were being provided or were to be provided is kept safe and provided with a reasonable level of care.

Employer Obligations

Employers of home health care workers are advised to familiarize themselves with the rights and responsibilities of a worker who chooses to leave a client's home because someone refuses the worker's request to not smoke in their presence.

Enforcement

Local Public Health Units are responsible for ensuring compliance with the act.

This fact sheet is intended as a quick reference only. For more information, please contact your local public health unit at:

<http://www.smokefreeeast.ca/contact.php>

You may also obtain information by calling toll-free:

- **INFOline** 1-866-396-1760
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30am - 5:00pm

For more information on the Smoke-Free Ontario Act, please visit the Ontario Ministry of Health Promotion website:

http://www.mhp.gov.on.ca/english/health/smoke_free/legislation.asp