



## ETS GUIDELINES: Condensed for the Hospitality Sector

### Public Entertainment Facility

Public entertainment facilities include bars, bingo halls, bowling alleys, cocktail lounges, restaurants, gambling casinos, nightclubs and pubs. In these facilities the areas that are used by the public are exempt from the requirements of section 4.81 if the employer provides a separate place for smoking in accordance with the requirements of section 4.83(2). Section 4.81 prescribes that worker exposure to ETS must be controlled either by prohibiting smoking in a workplace, restricting smoking to a designated area, or by other equally effective means. However, section 4.82(3) does allow a worker to enter or work in an indoor smoking area under the following conditions: in an emergency, to investigate an illegal activity, upon effective removal of tobacco smoke, or when the workplace is a public entertainment facility. In the case of a public entertainment facility, the facility must conform to the requirements of 4.83 and the entry requirements for the worker must conform to section 4.83(8). See OHS Guideline 4.83(8) for further information.

Work areas not used by the public must meet the requirements of section 4.81. Examples of non-public areas are provided by OHS Guideline G4.83(3).

### Separate place of smoking

A "separate place of smoking" includes both a safe outdoor location and a designated room structurally separated from other areas. The "total floor area" of a "separate place for smoking" must not exceed the percentages of the total floor area specified in section 4.83(3).

In a non-licensed facility the "total floor area" refers to the total "entertainment" floor area that is used by the public. In a licensed facility or establishment, "total floor area" specifically refers to the total floor area that is licensed for the service and consumption of liquor. Refer to OHS Guideline 4.83(3) for more detail.

### Ventilation of a Designated Room

A designated room under subsection (3) must be ventilated by

- (a) a non-recirculating exhaust ventilation system,
- (b) an air cleaning system, or
- (c) a combination of a non-recirculating exhaust ventilation system and an air cleaning system that meets the following requirements:
- (d) the flow of air is from non-smoking areas to the designated room;
- (e) the air flows in the designated room at a minimum ventilation rate of 35 CFM/person;
- (f) the air only discharges in a manner that does not recirculate or transfer it from a designated room to non-smoking areas."

At this time, the Board is not aware of an air cleaning system that is capable of, on its own, meeting all three requirements **(d) to (f)**. Primarily, it is the non-recirculating exhaust portion of the ventilation system that can satisfy all of these conditions. Prior to installation of a ventilation system as required by this section, it is advisable that the owner ensure the supplier/installer has a thorough knowledge of HVAC systems and engineering principles.

The minimum of 35 (CFM) per person of tempered replacement air to balance air exhausted by the ventilation system may be provided directly into the designated room by a forced air supply and/or drawn in through a passive air transfer vent from a non-smoking area.



35 CFM/person will not remove all of the ETS from the designated smoking room. To contain the ETS, section 4.83 (4)(d) requires that the flow of air is from non-smoking areas to the designated room and 4.83(4)(f) requires that air does not transfer from a designated room to non-smoking areas. A minimum air flow of 70 feet per minute (FPM) into the designated room will satisfy these requirements. Depending on the total area of openings between the non-smoking and designated room, a larger fan may be required (that is, greater than 35 CFM/person) to provide 70 FPM. See OHS Guideline 4.83(4) and the WCB information sheet entitled *Ventilation of Indoor Smoking Areas* which describes how to ventilate a smoking room with an example of a layout and guidance on calculating the CFM required.

### **Air Cleaning System**

If an air cleaning system is used for the purposes of this section, the employer must ensure that the air cleaning system, at a minimum, meets a standard of 95% operating efficiency at 0.3 micrometre (µm) particle size. The type of air cleaning system described by this section is a mechanical filter. It is advisable that the employer ensure the air cleaner system was evaluated, tested and verified by the manufacturer to meet the performance criteria.

### **Ventilation System Inspection and Maintenance Record**

A non-recirculating ventilation system, air cleaning system or combination of the two systems, that services a designated smoking room in a public entertainment facility must be inspected, maintained and a record of maintenance kept in accordance with the requirements of the *OH&S Regulation*. This record must be immediately available to the equipment operator and to any other person involved with inspection and maintenance of the equipment. The record must provide details on activities related to inspections, maintenance, repairs, and any modifications of an exhaust ventilation and air cleaning system. See OHS Guideline 4.83(6) for specific maintenance and record keeping requirements.

### **Workstation**

A workstation must not be located in a designated room. The term “workstation” refers to a fixed location such as a desk or worktable utilized by a worker or group of workers to perform specific tasks. A workstation in a public entertainment facility includes such examples as the bartending area, food or beverage preparation area, waiting station, cash register station, computer terminal or bingo calling station.

### **Work Period and Intermittent Entry**

A worker may enter a designated room if

- (a) the entries are on an intermittent basis to perform the worker’s functions, and
- (b) for the worker’s work period in a 24 hour day, the total of all times that worker spends in the designated room to perform the worker’s functions do not exceed 20% of that work period, and
- (c) the employer allows the worker to choose
  - (i) never, except as required under section 4.82 (3) (a) or (b), to enter the designated room to perform the worker’s functions, or
  - (ii) for the worker’s work period in a 24 hour day, to enter the designated room to perform the worker’s functions for a total of all times spent there that is less than 20% of that work period.

The work period refers to the period of time that the activities of the worker are under the control of the employer. Typically this means a work shift, excluding unpaid breaks. This section does not prevent a worker from entering a designated smoking room outside of the work period, which may include unpaid breaks.

The 20% allocation applies to any number of shifts in a 24-hour day. “Intermittent entry” refers to non-continuous, episodic entry into the designated room by workers to perform work functions in the presence of ETS. For example, a worker may enter a designated smoking room to provide table service for patrons or to clean tables. See OHS Guideline 4.83(8) for more information.

Further information, including the guidelines referred to here, is available by contacting the Prevention Division by telephone at (604) 276-3100 or from the Board’s website at [www.worksafebc.com](http://www.worksafebc.com)