

Working in an Outdoor Smoking Area

A worker may work in an outdoor smoking area if the natural airflow is minimally obstructed and will prevent the accumulation of environmental tobacco smoke (ETS). The outdoor area should be arranged or located in such a way that smoke from the outdoor area cannot enter any indoor work or non-smoking break areas. To prevent the migration of ETS back into the building, the layout should be planned so the tables or areas where ETS is being generated are located as far as practicable from doors, windows and other openings into indoor work areas.



What constitutes an "outdoor location" such that workers may work in the area while smoking is occurring? Typically, this may be a ground surface, floor or deck area, and may be covered by a roof or awning. Any structure, including a temporary structure such as a tent that significantly obstructs the movement of air may bring the area within the meaning of an indoor workplace. For example, an area that is obstructed on more than 2 sides by the presence of walls, fences or other adjacent structures or objects may be deemed to be indoors for the purpose of section 4.82 and 4.83 of the *OHS Regulation*. Walls less than 107 centimetres [42 inches] high, or chain link fencing or similar open structures that minimally obstruct airflow will normally not be considered as a windbreak.

While the above information describes a typical configuration for an outdoor area, an employer may choose another design that minimally obstructs natural airflow and does not allow the accumulation of ETS. For example, a freestanding, gazebo-type structure, with a roof and a low-height wall that surrounds all sides of the seating area, may be acceptable. A very narrow "bus shelter-type" of structure with wind breaks on 3 sides, but with large openings at top and bottom on all sides, may also be effective at preventing the accumulation of ETS.

When an employer chooses to provide an outdoor designated smoking area which will be occupied by workers during smoking activity, the employer should ensure that the design is such that even in the worst case scenario, for example, on a very calm day, ETS will not accumulate in the area. While the WCB may provide, upon request, some assistance in reviewing plans prior to construction, the WCB does not approve plans. The responsibility to ensure that ETS does not accumulate in the area rests with the employer. When the WCB receives a complaint regarding the lack of sufficient air movement in a "outdoor" area, the employer should be able to demonstrate the appropriateness of the design chosen. The employer may do this by providing air velocity measurements, over an extended period of time, to demonstrate the effectiveness of the design in all weather conditions.

