

Prince George, B.C.  
June 15, 2000

1  
2 --- PROCEEDINGS COMMENCED AT 9:10 A.M.  
3

4 THE CHAIRPERSON: Good morning, and welcome. This is a  
5 Public Hearing on proposed amendments to Part 4,  
6 sections 4.82(3) and 4.83, of the *Occupational Health*  
7 *and Safety Regulation*. It is being held pursuant to  
8 sections 225 and 226 of the *Workers' Compensation Act*  
9 *of British Columbia*. The proposed amendments are as  
10 follows:

11  
12 4.82(3):  
13

14 An employer must ensure that a worker does not  
15 work in an indoor area where smoking is permitted  
16 under section 4.81, except in an emergency, in a  
17 circumstance where entry is required to  
18 investigate for illegal activity, or until the  
19 tobacco smoke has been effectively removed.  
20

21 It is also proposed that section 4.83 be deleted.  
22 These are the only two sections of the regulations  
23 that are under review at this time.

24 I would like to make some introductions. My name  
25 is Louise Logan and I am the Chair of the Public  
26 Hearing. To my right is Mr. Edward Bates. He is  
27 legal counsel. To my far right is Mr. Thomas Kemsley.  
28 He is Vice Chair of this Hearing. To my left is  
29 Maureen Nicholls. She's the Chair of our Panel of  
30 Administrators.

31 I'd like to make a few comments about the process  
32 that we'll follow today and tomorrow. We are here to  
33 listen to your views. If presenters have questions,  
34 please address them to me as the Chair. I and other  
35 members of this Panel may also be asking questions  
36 from time to time in order to seek clarification or  
37 further understanding of a particular presentation.  
38 Please speak at all times into the microphone as this  
39 hearing is being recorded and transcribed.

40 To ensure that everyone has the opportunity to  
41 speak and be heard, presenters are asked to keep their  
42 presentations to the allotted time. I will remind  
43 presenters when they have five minutes remaining. I  
44 remind everyone at this time that we are also  
45 accepting written submissions. Information about how  
46 to make a written submission is available at the sign-  
47 in desk outside this auditorium. We are offering the

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1 use of an overhead projector to those of you who wish  
2 to use visual materials. Please let the sign-in desk  
3 know in advance if you want the projector set up.

4 This is the first step in the review of the  
5 proposed amendments to the *Environmental Tobacco Smoke*  
6 provisions of the *Occupational Health and Safety*  
7 *Regulation*. Once this process is complete all written  
8 and oral submissions will be examined. The final  
9 decision will be made by the Board's governing body,  
10 the Panel of Administrators.

11 Thank you for your interest and involvement in  
12 this hearing. We look forward to your presentations.

13 I understand that our first speaker is here, Mr.  
14 Gil Lainey. Good morning.

15  
16 PRESENTATION BY GIL LAINEY:

17  
18 MR. LAINEY: Good morning. My name is Gil Lainey and I'm  
19 here speaking to you on a both a personal and  
20 professional basis. As an Occupational Health Nurse  
21 it is my role in assisting in providing employees with  
22 a healthy workplace. This includes our current plans  
23 to offer our employees a smoke-cessation program. I  
24 am fortunate that my task is somewhat easier in  
25 encouraging employees to quit smoking as I work in a  
26 smoke-free environment. It hasn't always been that  
27 way.

28 I have worked in this facility for over 20 years  
29 and in that time I've seen many changes. A  
30 significant change in terms of comfort in the  
31 workplace has been the banning of smoking in the  
32 building. There was turmoil at first, resistance to  
33 the idea that smokers were no longer able to smoke  
34 inside the building. However, the response of non-  
35 smokers was positive. No longer would we be reminded  
36 of the amount of tar and nicotine pollution from  
37 second-hand smoke when the housekeeping staff would do  
38 a regular cleaning of the ceiling tiles in the  
39 cafeteria. You would find it amazing to watch the  
40 colour difference from tan to white tiles as they were  
41 cleaned. It makes you wonder how much of this you  
42 take into your own lungs on a yearly basis.

43 Most hospitality industry workers are not as  
44 fortunate to have proactive employers who are  
45 concerned for the health effects of second-hand or  
46 side-stream smoke. On a daily basis, for restaurant  
47 and bar employees, they are exposed to levels of

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1 cigarette smoke that range from one-and-a-half to six  
2 times higher. These exposure levels have been  
3 documented to produce a 50 per cent greater risk of  
4 lung cancer along with other adverse health effects  
5 associated with on-going exposure.

6 WCB already has in place regulations controlling  
7 exposure to many workplace chemicals. These  
8 regulations are in place to protect the health of  
9 workers, not to take the rights away to expose  
10 yourself to benzene, cadmium or formaldehyde or any of  
11 the other 42 chemicals known to be toxic to humans  
12 found in cigarette smoke, of which at least nine are  
13 known carcinogens.

14 Given that a safe level has not been established  
15 for exposure to second-hand smoke, regulating it out  
16 of the workplace environment is the responsibility --  
17 is a responsible duty of the Board. The opponents to  
18 this regulation are proposing ventilation solution. My  
19 understanding is that no such system yet exists that  
20 will completely remove second-hand smoke from the air.  
21 The current state-of-the-art ventilation systems can  
22 remove up to 10 to 15 per cent of second-hand smoke  
23 from the air providing at least a comfort level but  
24 falls far short of what easily could be complete  
25 removal of the hazard by banning the act of smoking in  
26 a work environment.

27 Opponents of this Regulation will negative --  
28 will state that this Regulation will negatively impact  
29 on their business as it will decrease their revenue  
30 and cause a loss in jobs. Oddly enough this is part  
31 of the same argument tobacco companies are using to  
32 their employees in communities in which they are  
33 located. The impact of similar regulations on revenue  
34 has been shown in other jurisdictions that revenue  
35 will stay the same if not improve. I've not been in  
36 any bars recently, however, if the hospitality  
37 industry is interested, as a non-smoker these  
38 restaurants who are smoke-free will mostly likely get  
39 my business in the future.

40 As a nurse with 20 years experience, I have seen  
41 the health effects of exposure to tobacco smoke, lung  
42 cancer, heart disease, emphysema, to name a few. In  
43 my experience as an Occupational Health nurse in the  
44 last two years, I have noticed a correlation between  
45 the number of staff who indicate sensitivity to  
46 allergens and air impurities and the likelihood of  
47 them being a smoker. There's at least one study I'm

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1 aware of that correlates this relationship.

2 I said I would also speak to you on a personal  
3 basis. I recently lost a sister to lung cancer  
4 directly related to years of smoking. I cannot but  
5 think that if a regulation such as this had been in  
6 place 20 years ago, would she have continued smoking?

7 An added benefit of this regulation may be a move  
8 for social change in which those who are addicted to  
9 cigarettes are provided with an incentive to look at  
10 healthier lifestyles. Maybe the hospitality industry  
11 should also consider this as part of the service to  
12 non-smokers or those who have managed to kick the  
13 habit. We are concerned about your health as well as  
14 our service.

15 I was amused the other day to see on the front  
16 page of the Citizen a costumed-hero with a large "S"  
17 on his chest fighting for the rights of smokers. When  
18 you look at that "S", I want to remind you of other  
19 things that stands for, such as small cell lung  
20 cancer, which is what my sister died from and is  
21 associated with smoking. It can also stand for  
22 senseless, which is what much of the debate, in my  
23 personal opinion, regarding controlling a recognized  
24 hazard is turning out to be.

25 Am I a smoker? No. Am I against smokers? No.  
26 But I can say I am in favour of this regulation which  
27 I believe will provide the same level of protection  
28 that employees in a smoke-free workplace enjoy. This  
29 issue is about the smoke, not about smokers or smokers  
30 as a person. As a smoker you have the right to smoke  
31 in appropriate places, much like you have the right to  
32 drink in appropriate places. Others also have a right  
33 to be concerned about your health and their own.

34 Organizations such as the WCB have a right, if  
35 not the responsibility, to make our community a safer  
36 and healthier workplace -- a safer and healthier  
37 place. On a personal level, I am also in favour for  
38 any social change that may influence the actions of  
39 others in seeking a healthier lifestyle. You never  
40 know. Your actions today may prevent the death of  
41 someone -- someone's loved one 20 years from now.

42 Thank you very much for your time.

43 THE CHAIRPERSON: Thank you. Mr. Dan Armstrong. Mr. Tom  
44 Barr.

45 MR. BARR: Good morning.

46 THE CHAIRPERSON: Good morning.

47

## Presentations

PRESENTATION BY TOM BARR, CORNER STATION PUB:

1 MR. BARR: My name is Tom Barr and I have driven up from  
2 Williams Lake where I operate and own a 65-seat  
3 neighbourhood pub. My pub is located on the fringes  
4 of Williams Lake amongst four sawmills and a couple of  
5 very large mobile-home parks. As you can imagine, my  
6 clientele are primarily working-class citizens.  
7

8 I drove up from Williams Lake to attend this  
9 meeting because I believe it is important your  
10 committee hears directly from the small  
11 businesspersons you are affecting by imposing your  
12 non-smoking regulations.  
13

14 Your first attempt in January to regulate smoking  
15 in my establishment was a complete disaster for me and  
16 my clientele. Sales dropped 18 per cent in January  
17 when we were non-smoking from January 15th to the  
18 31st. February sales were down 30 per cent when  
19 compared to February sales for the previous year.

20 I have every reason to believe four to six months  
21 of this would have forced me to close my doors. The  
22 result would have been the loss of ten more jobs, as  
23 we had already reduced our staff by one full-time  
24 person as a result of the slowdown in January and  
25 February.

26 Just as an aside, when the Court tossed out the  
27 non-smoking regulations I opened smoking to a part of  
28 my pub, approximately half of it, and half of it was a  
29 non-smoking area. And sitting back and watching my  
30 clientele, I can tell you right now 70 per cent of my  
31 non-smoking space is never used, while 90 per cent of  
32 my smoking area is in use at all times. On a busy  
33 Friday night both sides are smoking because there just  
34 aren't that many non-smokers that attend.

35 There's no doubt in my mind your regulations  
36 favour those in the Lower Mainland and Island where  
37 customers can step outside pretty well all year round  
38 to have a smoke. It's not quite so easy for anyone  
39 north of Hope.

40 The arrogance shown by WCP staff -- WCB staff in  
41 Vancouver office was very difficult to take. Numerous  
42 press releases stating no one was suffering from your  
43 non-smoking regulations, while I was seeing the real  
44 affects it was having on my business, was enough to  
45 make me truly despise your media mouthpiece. I think  
46 if he's -- if you're going to issue statements such as  
47 Mr. -- I think it was Mr. McCloy, somebody should go

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1 around and have a look at what's really happening  
2 north of Hope.

3 As I mentioned, I felt it was important you and  
4 your committee heard from as many small  
5 businesspersons as possible. Having said that, I also  
6 feel you and your committee are just going through the  
7 motions in an attempt to satisfy Judge Stromberg-  
8 Stein.

9 In my opinion, if you were serious about holding  
10 meaningful public meetings, meetings would have been  
11 called for the north part of the Province, the  
12 Kootenays and further up the Fraser Valley. Your  
13 exclusion of the north, where the resistance was the  
14 most vocal, shows a certain lack of intestinal  
15 fortitude on behalf of you and your committee.

16 That is my report for this committee. I would  
17 like to thank you for taking the time to listen to my  
18 concerns and my thoughts. Thank you.

19 THE CHAIRPERSON: Thank you. Mr. Dan Armstrong. Good  
20 morning.

21 MR. ARMSTRONG: Good morning.

22 THE CHAIRPERSON: Go ahead.

23 MR. ARMSTRONG: Whenever you're ready.

24 THE CHAIRPERSON: Yes.

25  
26 PRESENTATION BY DAN ARMSTRONG, PREVENTION AND AWARENESS  
27 COALITION ON TOBACCO:  
28

29 MR. ARMSTRONG: As we speak a medical epidemic is raging  
30 across Canada. It strikes every community, including  
31 Prince George, with results of death and disease. The  
32 problem is there is a disproportionate number of  
33 casualties being found in Prince George and similar  
34 communities in the north. Nearly 48,000 Canadians  
35 died from this smoking epidemic last year. One out of  
36 every two afflicted from this habit is going to die  
37 from it and it is going to cause 85 per cent of all  
38 lung cancers and 33 per cent of all strokes.

39 More specifically, you're here regarding second-  
40 hand smoke issues in the workplace. You may be aware  
41 that at least 42 chemicals in second-hand smoke are  
42 probable carcinogens. In fact, it's been established  
43 that there is no safe level of exposure for second-  
44 hand smoke. The stark results are that we average  
45 about ten friends and neighbours dying each week in  
46 this Province due to second-hand smoke exposure. Of  
47 the 50 people who we can specifically allocate to have

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1 died from lung cancer, we know that 37 of them are  
2 attributable to workplace exposure, 37 of the 50. I'll  
3 provide the footnotes in the written submissions that  
4 I follow this up with.

5 Overall, second-hand smoke is a leading cause of  
6 preventable death in B.C. We know that steady  
7 exposure to second-hand smoke in the workplace, it  
8 nearly doubles the risk of having a heart attack.

9 I'm here on behalf of PACT, the Prevention and  
10 Awareness Coalition on Tobacco. Our member  
11 organizations include the Northern Interior Regional  
12 Health Board, the Heart and Stroke Foundation of B.C.  
13 and Yukon, Prince George Regional Hospital, University  
14 of Northern B.C., School District 57, Canadian Cancer  
15 Society, Alcohol and Drug Services and Northern B.C.  
16 Business Council on Substance Abuse, amongst others.

17 Compared to the rest of B.C., we have much higher  
18 rates of smoking in this area. This factors into why  
19 chronic respiratory diseases, lung cancer, pneumonia,  
20 they all have a higher prevalence rate here than the  
21 provincial average. We have about eight to nine per  
22 cent of the workforce locally employed in the  
23 hospitality industry. This is why about -- this is  
24 about 3,500 people in our local communities being  
25 routinely subjected to a toxic work environment.

26 It's time to extend worker protection to  
27 hospitality employees just like all the other  
28 employment sectors in B.C. Employees in restaurants  
29 and bars or lounges, they spend a longer time period  
30 in the facility than the general public. They have a  
31 demonstrated higher risk of environmental tobacco  
32 smoke related disease.

33 No, it's not a question of "if" but "when" a  
34 number of these workers will be applying for  
35 compensation for work-site acquired disease. Within  
36 this industry we have two great -- two areas of great  
37 concern: the fast food restaurants and pubs or  
38 lounges. Fast food restaurants are a concern because  
39 it's estimated that as many as 40 per cent of their  
40 employees are under age of 18. These young people are  
41 being required to work in situations where levels of  
42 second-hand smoke is 1.6 to 2.0 times greater than an  
43 average home with a smoker. This makes them more  
44 susceptible to lower respiratory tract infections,  
45 asthma and, ultimately, many far worse health  
46 problems. For workers in pubs and bars, they're  
47 subjected to levels of second-hand smoke that are from

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1 3.9 to 6.1 times greater than what is found in a home  
2 with a smoker. Again, I'm footnoting all of these in  
3 the written submission.

4 These exposures contribute to a more than 50 per  
5 cent increase in lung cancer risk. The health and  
6 morale benefits to employees from a non-smoking  
7 workplace, they're both obvious and enormous.

8 However, sometimes what's forgotten is the  
9 sizeable cost savings for employers who keep a clean-  
10 air work site. Consider the average cost savings for  
11 each smoking employee for year -- per year. For  
12 example, there's \$230 saved due to decreased  
13 absenteeism with 15 per cent less sick time; \$2,175  
14 saved due to increased productivity; \$75 increased --  
15 sorry -- dollars saved in life insurance premiums; \$85  
16 per person per year in operation and cleaning  
17 expenses; and, on average, smokers were twice as  
18 costly as non-smokers for -- relating to drug plans.

19 Thorough public support is obvious with over 75  
20 per cent of the public supporting clean-air  
21 environments. What I always find amazing is that from  
22 an Angus Reid poll with accuracy in 1999 they found  
23 over 89 per cent of smokers -- of smokers in B.C.  
24 believe that non-smokers should be provided with  
25 smoke-free workplaces. Have you noticed recently how  
26 less often servers greet you with the words "Smoking  
27 or non-smoking"? Increasingly it's become  
28 embarrassing to say that your business allows a  
29 specific smoking section when we all know it does  
30 nothing to protect the non-smoking patrons and  
31 workers.

32 Other regulations exist to limit and de-normalize  
33 tobacco in many ways. For example, in 1992 retailers,  
34 corner storeowners, et cetera, were selling tobacco to  
35 children about 99 per cent of the time. In 1995, just  
36 three years later, that sales rate dropped to about 40  
37 per cent here in Prince George. Last year only four  
38 per cent of local retailers were found selling to  
39 children.

40 On another front, the WCB is increasing --  
41 receiving increased regulatory help from the Province  
42 and the Municipalities. They're adopting supportive  
43 bylaws to reinforce clean-air environments for being  
44 the norm -- for being the norm throughout the  
45 Province. In fact 90 per cent of the Province's  
46 population are already protected from the damaging  
47 effects of second-hand smoke due to municipal or

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1 regional bylaws.

2 As a result of these many measures, the workplace  
3 is ready for tobacco reduction. In fact the proposed  
4 regulation changes are of less and less significance  
5 to the hospitality industry. In Prince George about  
6 six years ago there were only two restaurants that  
7 were 100 per cent smoke free. As requests for clean-  
8 air environments increased so did the number of smoke-  
9 free premises. By 1998, 37 restaurants voluntarily  
10 became 100 per cent smoke-free.

11 Recently, when several sections of the WCB  
12 regulation were struck down, we had 107 local  
13 hospitality businesses voluntarily continue to operate  
14 100 per cent smoke-free. Of the more successful  
15 restaurants in Prince George, one found that in the 14  
16 weeks since going smoke-free it has increased business  
17 each and every week since then. Other clean-air  
18 businesses have found that several months after making  
19 the switch employees felt noticeably better and their  
20 asthmatic symptoms disappeared. Another --

21 THE CHAIRPERSON: You have five minutes remaining.

22 MR. ARMSTRONG: Sorry?

23 THE CHAIRPERSON: Five minutes remaining in your time.

24 MR. ARMSTRONG: Okay. Another example, there's a nearby  
25 food service business that initially had great faith  
26 in their high-rate ventilation system. However, after  
27 only one day's use they found it so inadequate that  
28 they went back to a non-smoking environment. All  
29 three of these restaurateurs are enthusiastically  
30 appreciative of the health and economic benefits of  
31 clean-air environments and they wanted to appear  
32 before you to tell you this. All three franchises  
33 were told by their headquarters that they're not  
34 allowed to say anything that publicly involves the  
35 business on this topic. They were told they could  
36 only send in an anonymous submission. We hope that  
37 you will be able to accept such submissions because  
38 that's all that they dare submit to you.

39 For some premises, even though smoking is again  
40 allowed, business remains mediocre. Most of these  
41 owners realize that returning to a smoking environment  
42 it may, at most, only temporarily boost sales if a  
43 clean-air environment is re-instituted. The even  
44 playing field that the hospitality industry has  
45 requested only means that businesses will compete  
46 based on product or service quality, not by  
47 compromising worker health.

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1           Ultimately, in choosing between economics and  
2 health, people's health must take priority.  
3 Fortunately over 100 local business people have  
4 already proven that employee health concerns and  
5 business economics are equally supportive of clean-air  
6 standards.

7           In reviewing the proposed wording changes of the  
8 *Occupational Health and Safety Regulations* and the ETS  
9 provisions, deletion of section 4.83 will be a  
10 positive change. This should increase clarity and  
11 consistency of approach in regards to minimizing  
12 worker exposure. The previous inclusion, "use of all  
13 reasonable and practical controlled", was subject to  
14 interpretation and widely varying application.

15           For section 4.82(3), it would be helpful if the  
16 term "illegal activity" could be defined in the  
17 definition section of the Regulation. Some people  
18 will interpret this section's exemption to allow  
19 routine inspections of work sites with ETS presence as  
20 an acceptable and permanent practice for some  
21 regulatory officials.

22           To conclude, we wholeheartedly endorse your  
23 proposed amendments to the *Occupational Health and  
24 Safety Regulation*. Thousands of workers in this  
25 region are hoping to have the personal protection that  
26 this Regulation will provide. This is a good  
27 Regulation and we feel it's coming into force for the  
28 very best of reasons: It protects workers, our  
29 families, our communities from the well-known hazards  
30 and preventable diseases.

31           Thank you.

32 THE CHAIRPERSON: Thank you. Mr. Don Brice. Mr. Bud  
33 Powell. Good morning.

34  
35 PRESENTATION BY BUD POWELL, CITY OF DAWSON CREEK:

36  
37 MR. POWELL: Thank you, Madam Chair. I would like to  
38 clear up something first. There was -- when I came in  
39 they said I was speaking for the Freedom of Choice  
40 Committee. I'm not. I am speaking for the City of  
41 Dawson Creek.

42 THE CHAIRPERSON: That's what I have on my agenda.

43 MR. POWELL: Thank you.

44           I must say, given what is known about the North,  
45 higher than average percentage of smokers, problems of  
46 ventilation in our extreme winter conditions, problems  
47 of smoking outside at 40 degrees below, I am somewhat

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1 surprised Prince George is the most northerly city the  
2 WCB choose to hold these Hearings.

3 As you are probably aware, the smoking ban  
4 imposed last January led to renewed calls for the B.C.  
5 Peace to separate and join Alberta. Ignoring us once  
6 again when scheduling these Hearings does nothing to  
7 help those of us who believe we should work to find  
8 compromises for things we disagree and not run away  
9 from them.

10 During the time the smoking ban was in effect, we  
11 at City Hall received numerous reports from local pub  
12 and restaurant owners regarding the critical impact  
13 the smoking regulations were having on the viability  
14 of their businesses. Declines were reported in  
15 businesses from 40 to 60 per cent, which resulted in  
16 many job cuts.

17 Compounding the problem of our City is the  
18 proximity of the Alberta border. During the smoking  
19 ban, it was reported that some of the oil field crews  
20 choose to move from our local facilities to hotels and  
21 motels in Alberta due entirely to the fact they could  
22 not smoke in our restaurants and pubs. I am sure none  
23 of us want to see regulations that cause businesses to  
24 fail and unemployment lines to grow without  
25 considering all possible options to find a workable  
26 solution.

27 The City of Dawson Creek fully appreciates the  
28 need to protect workers' health and we support the  
29 right to breathe clean air during their work shifts.  
30 However, we cannot afford to stand by and have many of  
31 our long-time business people be jeopardized by  
32 regulations that effectively destroy their ability to  
33 survive. We are convinced that there are other  
34 alternatives that will both protect the workers'  
35 health and protect the right of business people to  
36 continue to make a living in what is to some a life-  
37 long endeavour.

38 Thank you.

39 THE CHAIRPERSON: Thank you. Is Mr. Brice here? I  
40 understand Mr. Rick Kolter is here. Mr. Kolter. Thea  
41 -- Ms. Thea Joyal? We'll break now until ten  
42 o'clock.

43  
44 --- PROCEEDINGS RECESSED AT 9:45 A.M.

45 --- PROCEEDINGS RESUMED AT 10:00 A.M.

46  
47 THE CHAIRPERSON: We will reconvene now. If there are

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1 people who wish to speak and who have not already  
2 signed up, you're welcome to sign up with our  
3 registration desk and we will fit you in as best we  
4 can this morning. Mr. Don Brice. Good morning.

5  
6 PRESENTATION BY DON BRICE, TELKWA PUB:  
7

8 MR. BRICE: Good morning. Just a little nervous.

9 THE CHAIRPERSON: Do you want some water?

10 MR. BRICE: That's fine.

11 Good morning. My name is Don Brice and I  
12 represent the Telkwa Pub in Telkwa, B.C. During the  
13 imposed smoking ban my business and all the other pubs  
14 in the area suffered dramatic losses in gross sales.  
15 My January sales were down 35 per cent. In a business  
16 that's become marginal in good times this is all it  
17 takes to put the business under.

18 Only about 20 per cent of the adult population  
19 frequents pubs. Telkwa has an adult population of  
20 around 600 people, giving my pub a local customer-base  
21 of approximately 120 people. Of the 120 people that  
22 frequent my pub about 90 per cent of them smoke. That  
23 gives me 108 smokers and 12 non-smokers. Maybe I will  
24 have that water.

25 During the short time that I allowed smoking  
26 except in the washroom -- allowed no smoking except in  
27 the washrooms I basically had no customers. The first  
28 Thursday that I had no smoking from 6:00 p.m. until  
29 1:00 a.m. I had total sales of \$27.90. Of this \$19.50  
30 were for cigarettes to go, leaving me \$8.40 in other  
31 sales. That was one drink each for my two non-smoking  
32 customers. Obviously, I could not stay open for long  
33 at this level of sales, as it cost me approximately  
34 \$200 to pull in the 8.40. Of course, I also had to  
35 send a portion of this away for taxes.

36 I had to come up with a plan as I had already --  
37 I'd already been recommended for two fines. The plan  
38 consisted of making a smoking area. My customers  
39 called this the "smoking bubble". The bubble  
40 consisted of a storm-window plastic separating the  
41 smoking from the non-smoking areas. There was an  
42 exhaust fan in the front in the area of the bar. This  
43 fan was a direct-exhaust type fan expelling 330 --  
44 3,340 cubic feet a minute directly outside. At 60  
45 cubic feet per minute per smoker, that would allow 55  
46 smokers in that smoking area. The area only had 35  
47 seats. At minus 25 degrees Celsius, it was hard to

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1 keep the place warm but at least we had some customers  
2 coming back.

3 I did some monitoring of the numbers of customers  
4 using the smoking area compared to the non-smoking  
5 area. Here are the figures taken at 6:00 p.m. on five  
6 nights. Monday, smoking area 18 customers, non-  
7 smoking zero; Tuesday, smoking area 21 customers, non-  
8 smoking was three; Wednesday, smoking area 31, non-  
9 smoking, two; Thursday, smoking area 17, non-smoking  
10 zero; Friday, smoking area 52, non-smoking 13. There  
11 just wasn't enough space up top for the rest. The  
12 numbers were still down but as word got around about  
13 75 per cent of my customers came back and some  
14 customers from Smithers and Houston came down for a  
15 smoke.

16 We now had customers, but they weren't happy  
17 because the smoking area was self-serve. The staff  
18 was also not happy, as they couldn't do their job of  
19 serving and cleaning up after their customers. The  
20 staff was complaining about no tips to pay their bills  
21 with. At this point I told the staff the signs say  
22 "self-serve" and you are not required to go in that  
23 section but I'm not going to stop you. All of my  
24 staff chose to enter the smoking area. All of my  
25 staff smoke and will use the smoking section to have a  
26 smoke break.

27 While having the smoking section, which had two  
28 openings, I did check for smoke escaping from the area  
29 and could not detect any smoke in the non-smoking  
30 area. I brought in a blind man and he did know when  
31 he went into smoking. I also brought in a person who  
32 was extremely allergic to cigarette smoke and had him  
33 sit by both the openings. He could not detect any  
34 smoke.

35 I keep hearing that there is no ventilation  
36 solution. I feel this is being repeated time and time  
37 again because the WCB does not want a ventilation  
38 solution. There seems to be solutions for air quality  
39 problems on the pot-line at Alcan at Kitimat in our  
40 sawmills, in our pulp mills, in our welding shops. Why  
41 not pubs?

42 I can only speak for a small northern town such  
43 as Telkwa. In these small towns, the pub is the local  
44 meeting place or as many of my customers call it  
45 "their office". If someone needs to get ahold of  
46 another person they leave a message at "the office".  
47 These offices are in danger of being put out of

## Presentations

1 business, all because of a cigarette. This just  
2 doesn't make any sense.

3 My livelihood is at stake; my children's  
4 education is at stake; my staff's jobs are at stake  
5 and my retirement is at stake. This is a very serious  
6 matter.

7 We do not have the population base to replace our  
8 smoking customers with non-smokers. Most of the non-  
9 smokers are not willing to spend their money in a pub;  
10 it's not their lifestyle. My staff will all tell you  
11 that they work in a pub so that they can smoke on the  
12 job. They are all smokers. In eight years I don't  
13 remember having a non-smoker work for me.

14 Seeing that all my staff smoke and I used to  
15 smoke, I've been told that none of us would ever be  
16 able to make a claim for second-hand smoke damage.  
17 That's like buying death insurance that is void if you  
18 die.

19 The WCB keeps saying this ban won't hurt  
20 business, any downturn in business will come back in a  
21 few months. Lots of us small-town pubs couldn't last  
22 that long, even if these statements were true.

23 I'll use the example of the group from Calgary  
24 that was going to Smithers for a skiing holiday at  
25 spring break. Their plans included renting 31 rooms  
26 in Smithers for several days. They cancelled that  
27 trip completely due to the fact that they couldn't  
28 smoke in pubs and restaurants. That money doesn't  
29 come back.

30 We must work together and approve a ventilation  
31 solution. I would bet the air in my pub is at all  
32 times better than the air on the streets of Vancouver.  
33 Why are workers allowed to breathe in that air? We  
34 all know that the worst air is the stuff containing  
35 low-level ozone caused by automobiles and industrial  
36 emissions. Tests have shown that if you live within  
37 one kilometre of a major freeway in a bowl area your  
38 lung capacity will be up to 15 per cent less than the  
39 rest of the population. This is just one example of  
40 air quality affecting health. We can reduce but we  
41 can't eliminate. Ventilation is a reasonable answer.

42 I support the existing Regulation in 4.83(2),  
43 which states:

44  
45 Exposure to workers of environmental tobacco  
46 smoke must be minimized by the use of all  
47 reasonable and practical controls including

## Presentations

1 administrative and engineering controls.  
2

3 However, we must keep in mind that common sense must  
4 be used; some flexibility is important. Help our  
5 industry stay alive. Approve a ventilation solution.

6 And I also have a statement made by the Mayor of  
7 the Village of Telkwa, which I would like to read to  
8 you now. Keep in mind this is from the Mayor, not from  
9 me, and I've only read this once.

10 This is addressed to the WCB Hearings, Prince  
11 George, June 15, 2000.  
12

13 To whom it may concern.  
14

15 The Village of Telkwa has not adopted a no-  
16 smoking-in-public-buildings bylaw because we  
17 believe in the fundamental Charter of Rights that  
18 forms the basis of this fine country. Laws will  
19 not stop people from smoking, nor should they. It  
20 is an individual's freedom to choose whether to  
21 smoke or not. In the same manner, it's the  
22 business owner's decision whether to allow for a  
23 smoking or non-smoking environment in their  
24 establishment.  
25

26 The Village of Telkwa will not require that  
27 businesses allow only non-smoking environments  
28 and believe to do so intrudes upon Canadians'  
29 fundamental rights. The Workers' Compensation  
30 Board has overstepped the boundaries with this  
31 legislation. What is next? No one is allowed to  
32 wear perfume? There is clinical proof that  
33 allergic reaction to perfume can generate intense  
34 migraines. Workers have left work because of  
35 allergic reactions to perfumes and cologne. Will  
36 workers be required to wear only non-perfume  
37 personal products?  
38

39 We are not encouraging smoking. We are, however,  
40 encouraging people to have the freedom to run  
41 their business as they see fit under the existing  
42 standards.  
43

44 Having just returned from Ottawa, smoking is  
45 permitted in all restaurants and pubs. The  
46 business owner is able to make the choice for  
47 their own business. What a novel idea.

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1  
2 The recent British Columbia stats info-line  
3 reports indicate that new proposed smoking  
4 regulations are negatively impacting business.  
5 Reported earnings in the first quarter of this  
6 year demonstrate a 17.8 per cent drop in  
7 earnings. Businesses are closing their doors and  
8 moving to other provinces. I hope the Provincial  
9 Government is prepared to spend a lot of money  
10 purchasing back businesses, as we believe a case  
11 could be made to show it is illegal for  
12 government to adopt legislation that is in  
13 contravention of the basic Charter of Rights and  
14 actually assists in bankrupting businesses.  
15

16 The Government is attempting to deter smoking yet  
17 it continues to increase taxes on tobacco  
18 products for deposit into general revenue. What  
19 message is this sending? Higher prices for  
20 tobacco products will serve only to increase  
21 theft and robbery, especially among the youth.  
22 Smoking is an addiction. People will find the  
23 money or the means somehow to feed their  
24 addiction to smoking. The only way to stop  
25 smoking is to stop producers of tobacco. However,  
26 given the revenue generated tobacco is for  
27 governments this is not likely to occur.  
28

29 Studies indicate there are fewer people smoking  
30 than in recent years. I challenge the Government  
31 to use positive means to encourage smokers to  
32 quit smoking. You have a needle exchange for  
33 drug users. Why don't you give out the patch for  
34 people that want to quit? What is your agenda?  
35 Is it health?  
36

37 We in the Village of Telkwa want to encourage  
38 people to move to the north, set up businesses  
39 and create jobs. The WCB no-smoking-in-the-  
40 workplace regulations make starting certain  
41 businesses virtually impossible. We want to  
42 foster and encourage people to make healthy  
43 choices. Tobacco is not an illegal or restricted  
44 substance. Government budgets for the revenue  
45 generated from this source every year. So where  
46 do you think the extra money will come from to  
47 balance the budget? It will no doubt come from

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1 more tax burden on the business people.

2  
3 We need to send a strong and clear message that  
4 these kind of tactics are not acceptable. The  
5 business community stands united in telling the  
6 Government that this legislation is wrong.  
7 Business owners have all the risk and all the  
8 responsibilities for earning their living. The  
9 choice to provide smoking or non-smoking  
10 environments to their patrons should be their  
11 choice to make.

12  
13 We live in beautiful British Columbia and we are  
14 telling people to go away, we don't want you  
15 here. We don't like people coming to our pubs  
16 and restaurants. We don't want you to stay in  
17 our hotels and spend money. Yet the Government's  
18 agenda was more jobs. Is this how they plan to  
19 make more jobs by hiring more WCB workers to go  
20 spy on honest business people and threaten them?  
21 It is a sad day for our country if we let this  
22 happen.

23  
24 Signed: Sincerely Sharon L. Hartwell, Mayor.

25  
26 Thank you.

27 THE CHAIRPERSON: Thank you. Thank you. I understand Mr.  
28 Don Jones wishes to speak. Mr. Jones. Good morning.

29  
30 PRESENTATION BY DON JONES, CASEY'S PUB:

31  
32 MR. JONES: Good morning. Yes, I have Casey's Pub in Fort  
33 St. John and, like everybody else, we've had all the  
34 problems that everyone is talking about so I'm not  
35 going to go all through them again.

36 And I find it very disturbing that we never had  
37 any hearings further north. And being the Workmens'  
38 Compensation, I guess I can understand that.

39 I'm not going to go through a whole bunch of the  
40 problems that I've had. Our business has also dropped  
41 35, 40 per cent and if the ban comes in again, or  
42 whatever happens with that, we will probably have to  
43 lay off six people right off the bat.

44 I'm just here to say that the ventilation system  
45 is probably acceptable to people and I'm sure that  
46 there's a good ventilation system that can be used.  
47 And I would accept a ventilation system and be happy

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1 with that, I suppose. But if this no-smoking ban  
2 comes back like it was before, I am not going to be  
3 happy, I'll tell you that.

4 So that's pretty well all I have to say. Thank  
5 you.

6 THE CHAIRPERSON: Thank you. Ms. Thea Joyal. Good  
7 morning.

8  
9 PRESENTATION BY THEA JOYAL, GRANT TRUNK INN:

10  
11 MS. JOYAL: Good morning. My name is Thea Joyal. I  
12 work for the Grand Trunk Inn in Vanderhoof. I have  
13 been working there for about two years. Due to the  
14 smoking ban I have lost a major part of my income  
15 because there were no customers to serve. I ended up  
16 getting behind in my bills because of the lack of  
17 income; my children also suffered. With the smoking  
18 ban in effect, I and my family were well below the  
19 survival line, let alone the poverty line.

20 I believe the WCB should give the employees and  
21 employers a chance, such as adequate ventilation -- a  
22 choice, sorry. The industry and its employees should  
23 be consulted on possible options or solutions as they  
24 know the reality of any smoking bans: lost wages,  
25 customers and the closure of small-town bars because  
26 there are no customers to serve.

27 I do not want to be back on welfare. I am a  
28 single mother of three. Working gives me a better  
29 self-esteem and I am able to buy my children the food  
30 they require. When I was on welfare, I had to scrimp  
31 and save; my children had to do without. I have  
32 fought long and hard to support and have tried to give  
33 my children what they require or may deserve. And  
34 you, WCB, are not going to take this away from me or  
35 my children.

36 I think WCB should lay off as we all are adults  
37 and we should have a choice where we work. Every job  
38 has a risk, such as a gas-jockey. Those gas fumes  
39 cannot be healthy for you. Living here in Prince  
40 George even can't be healthy for you; the air doesn't  
41 smell that pretty. I was working -- when I was  
42 working, when we had this non-smoking ban, there  
43 wasn't one night -- we had a non-smoking section. I  
44 had three customers that were non-smokers; two of them  
45 were. Guess where they all were? They were sitting  
46 in the smoking section. I couldn't go in there. I  
47 lost my tips. I think that night I made \$3.00 in

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1 tips, eight-hour shift. I didn't sell diddly. And my  
2 children, like, that doesn't even buy a jug of milk.  
3 Okay. You know how much it hurts seeing my kids say,  
4 "Hey, Mom, can we have some milk?" "No, Mom can't  
5 afford it, sorry."

6 Just don't do this. This is not right. I think  
7 we have a choice. I'm a smoker; I've been smoking  
8 just about ten years. It's not going to hurt me if  
9 somebody smokes in my face, you know.

10 That's all I have to say.

11 THE CHAIRPERSON: Thank you. Ms. Laurie Giglio.

12 MS. GIGLIO: I'm glad I came early.

13 THE CHAIRPERSON: We will just have to get the screen set up  
14 for you. Okay?

15  
16 PRESENTATION BY LAURA GIGLIO:

17  
18 MS. GIGLIO: In the gas magazine that I've just given you,  
19 if you could open up to page 6 and 7 that would be  
20 very much appreciated.

21 My name is Laura Giglio and I am a resident of  
22 Prince George. I also work in a building here that  
23 does not allow smoking due to the WCB regulations that  
24 are currently in place. I am happy to be here today  
25 to have this opportunity to speak with you regarding  
26 the proposed amendments to the *Environmental Tobacco*  
27 *Smoke* provisions of the *Occupational Health and Safety*  
28 *Regulation*.

29 My reasons for being here are simply to show my  
30 support for the changes to the provisions. I am a  
31 non-smoker. I appreciate my rights to not be around  
32 second-hand smoke and I am severely allergic to  
33 cigarette smoke.

34 I believe that everybody should have the right  
35 and the ability to work in an environment that is free  
36 of cigarette smoke and, more importantly, free of the  
37 chemicals that are in cigarettes such as arsenic,  
38 acetone, formaldehyde, butane, turpentine, just to  
39 name a few. We have a right to sit here -- we have  
40 that right, as we sit here in this room today, due to  
41 the City bylaws and to the present WCB regulations  
42 that protect the workers that are in this room right  
43 now. We are not being affected by that cigarette  
44 smoke. If everybody in this room was to take a deep  
45 breath right now, we have the ability to breathe easy  
46 without second-hand smoke. I will not go home today  
47 with the smell of smoke on my clothing. And I will be

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1 healthier because I am not breathing in second-hand  
2 smoke.

3 Are we saying that the people who work in the  
4 hospitality industry are not as important as the  
5 people this room today? Do they not have the right  
6 to a healthier life? I know in the last presentation,  
7 the lady I heard just at the end of her presentation  
8 say that it's not going to hurt her if people smoke in  
9 her face. If you look at page 6 and 7 in that gas  
10 magazine it shows you that smoke and second-hand smoke  
11 do, in fact, effect people. And it's proven out there  
12 through lung disease, lung cancer, heart disease,  
13 stroke, just to name a few.

14 I know that many comments out there are that  
15 those workers have the choice of where they work.  
16 However, unless they hold other skills they are stuck  
17 in that job to make ends meet. Many of those workers  
18 are young individuals that are new to the work force  
19 and we know that tips can add great extra income when  
20 putting yourself through school or just trying to make  
21 those ends meet. Should they have to put their health  
22 at risk just to get work experience and to provide for  
23 their families?

24 I also have heard concerns relating to the  
25 economic difficulties due to the so-called smoking  
26 ban, of course, mostly due to our northern climate. I  
27 feel that we tend to over play that excuse when it  
28 benefits us. I do not agree that the concern is true  
29 and if you have a great business and you do market  
30 yourself properly you can be successful and that there  
31 are other deterrents to why you're not successful,  
32 whether it's you've ordered too much alcohol in your  
33 business for the Christmas holidays; you've had to  
34 lay-off holiday season staff; or there are other  
35 difficulties in your business, such, maybe you're not  
36 a very good businessperson; your establishment isn't  
37 good in the way that you don't offer excellent food.  
38 Those are all considerations that surely to some  
39 businesses may not apply but to others they do and  
40 it's something to be considered.

41 There's an entire population out there that does  
42 not smoke and would like to go out for dinner or go to  
43 a bar with friends but do not at this time because of  
44 the smoke. I know because I am one of these people.  
45 Like I said before, I am severely allergic to  
46 cigarette smoke and I will be unable to participate in  
47 my own stagette in four weeks if I have friends and

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1 family that choose to take me to a bar or to a  
2 restaurant that offers smoking. I cannot handle it  
3 due to my allergy. And that's business that is lost  
4 to those establishments because they are not smoke-  
5 free. They are losing revenue as well because of the  
6 non-smokers in this community.

7 I haven't heard those concerns from those pub and  
8 bar and restaurant owners over that revenue that's  
9 lost. Yet, it is a reality. I have also heard that  
10 the hospitality industry is worried about having to  
11 lay off their workers due to the smoking ban. Past  
12 January and February we heard stories about businesses  
13 having to lay off their staff and how much it hurt  
14 them to have to lay them off because they were like  
15 family to them and they knew that they were going to  
16 suffer because of it. But I don't believe that's  
17 sincere. I believe that they are more concerned about  
18 their loss of revenue. If they were sincere, then  
19 maybe they would be even more upset to see their  
20 workers in the hospital hooked up to respirators,  
21 oxygen tanks or, even worse, having to watch them be  
22 buried later in life due to the effects of second-hand  
23 smoke while that employee contributed to higher  
24 profits for that business.

25 I plead with you, there is not a proven  
26 ventilation system to protect people from second-hand  
27 smoke. It has not been found yet. If you let  
28 yourself be convinced that there is, please keep in  
29 mind that you are then opening up a new can of worms.  
30 We know that if a ventilation system is approved for  
31 this it will be used everywhere. We would be able to  
32 smoke in this room as I speak. Airplanes could then  
33 allow smoking and, worse, if I was to be in the  
34 hospital the patient in the bed next to me could be  
35 smoking while I'm hooked up to life-saving equipment.

36 I fear that I will lose my rights to staying  
37 healthy and to have that clean air space because the  
38 hospitality industry feels more profits are important  
39 than the people that make them successful.

40 In closing I'd like to say thank you for your  
41 time. I realize you have a long and a difficult task  
42 ahead of you. And I thank you for listening today.

43 THE CHAIRPERSON: Thank you. Mr. Rick Kolter. Do you need  
44 the screen?

45  
46  
47

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PRESENTATION BY RICK KOLTER, ALEXANDER MCKENZIE INN:

1  
2  
3 MR. KOLTER: Good morning. My name is Rick Kolter. I'm  
4 the General Manager of the Alexander McKenzie Inn and  
5 Mall in Fort St. John. And I'm here representing the  
6 BCYHA and my hotel and all my managers and staff who  
7 have asked me to speak not only on the hotel and hotel  
8 association's behalf but also on their -- on my  
9 staff's behalf.

10 First of all, I would like to thank the WCB for  
11 giving us the opportunity to publicly address this  
12 important and very controversial topic which affects  
13 the lives of all British Columbians.

14 I'd like to note, before I begin my speech, that  
15 I do believe in protecting my employees from all that  
16 might harm them. That's why we have occupational  
17 health and safety meetings monthly and we have fire  
18 plans in place and outstanding medical and dental  
19 plans at the McKenzie Inn.

20 We have three bars at the McKenzie Inn, the  
21 Doghouse Lounge, the Wet Spot Night Club and Club  
22 Hollywood's. We were like most clubs in the North  
23 Peace and didn't comply at first with the now defunct  
24 WCB ETS regulations because we were worried about our  
25 livelihoods and the livelihood of our employees. And,  
26 other than some harassment from a WCB spokesman, we  
27 held business as usual. After some meetings with the  
28 WCB, like after the protest march and two warning  
29 letters, we got in touch with the head of WCB here in  
30 Prince George and arranged a meeting in Fort St. John.  
31 We came to the table with the intentions of having WCB  
32 help us find a solution to this problem, whether it  
33 was a ventilation solution or smoking rooms in our  
34 redlined area or any solution that would protect our  
35 employees and not put us out of business or leave us  
36 no choice but to lay off employees due to lack of  
37 business.

38 We were told, at the time, WCB doesn't care what  
39 happens to our employees once we lay them off, even if  
40 they were laid off because of the WCB regulations. So  
41 the WCB does not intend to protect our employees. They  
42 just want to protect them from ETS. We argued that we  
43 care about all of what happens to our employees, not  
44 just the ETS, and we can't protect an employee if  
45 their living on the street because they only get 12  
46 hours a week and don't qualify for assistance or,  
47 worse, get laid off. And most of the people that work

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1 in this industry are single parents and college kids.  
2 Are they really the people we want unemployed?

3 I've also heard the point of can't they just get  
4 jobs elsewhere. My answer to that is isn't it their  
5 right to work in the field that they want to. Or have  
6 we really become the communist province of Canada?

7 The WCB representatives also told us, first of  
8 all, our businesses weren't going to go downhill or if  
9 they did it would only be a couple of years then  
10 things would be back to normal like before the ETS  
11 regulations. Well, I say to them what business, other  
12 than B.C. Government, can lose money for two years and  
13 still stay afloat? Mine can't.

14 Also, I do my homework. I know my target  
15 demographics, and the business will never get back to  
16 where it was before the ETS regulations. And if the  
17 WCB and the NDP Government were thinking like business  
18 people, not like politicians, they would also see the  
19 situation for what it really is. WCB's response was,  
20 "We don't care about your business woes." Well, the  
21 WCB is a governmentally regulated Crown corporation  
22 and should be worried about these things because  
23 without the business people of B.C. their \$50 billion  
24 in surplus will be gone in about 40 years and I guess  
25 that's why they're not too worried about it.

26 So maybe if the WCB had to give the surplus to  
27 the Government, which they could use for health care,  
28 they would start to worry about how they're treating  
29 the business people of B.C. and maybe that would start  
30 to change things and they would start to show a little  
31 respect for the business people of this province.

32 Moving on to the ventilation solution. If it's  
33 good enough for metal and welding shops with all their  
34 gasses and chemicals, why not for the hospitality  
35 industry? I'm sure with all the technology that is in  
36 the world today we can find a solution that both  
37 protects our employees and guests from health risks  
38 due to the ETS and also protects them from losing  
39 their jobs due to downsizing.

40 Now, I would like to talk about numbers and  
41 percentages. After we started to comply with the ETS  
42 Regulations, the Doghouse, which is my lounge went  
43 from about \$700 per day on average to about \$90 a day  
44 on average. This was not even enough to pay wages.  
45 Now, our lounge has never been a big money maker. It  
46 is mostly used to keep our hotel guests happy.  
47 Remember, we are the hospitality industry. But we

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1 have never lost this much money in there before.

2 The Wet Spot sales were down so much that we were  
3 in the process of closing down the bar. This bar,  
4 before the ETS, was one of the two busiest bars in  
5 Fort St. John. From boom to bust in one WCB  
6 regulation. Club Hollywood's, this is a strip bar in  
7 the biggest hotel in town. You would think that with  
8 200-plus men living in the hotel this bar would be  
9 unrockable. Not true. Once we enforced the WCB  
10 regulations, it dropped down to 20 per cent of what it  
11 was doing before. Just imagine losing 80 per cent of  
12 your businesses. Would you be able to stay in  
13 business? Probably not. The same with us.

14 But just to be fair, our room service was up from  
15 10 a day to over 60 per day and our off-sales tripled.  
16 I guess people would rather sit in their rooms and eat  
17 and drink so they have the option to have a cigarette  
18 if they want, other than sitting in a non-smoking pub.

19 We also heard from the non-smokers who 90 per  
20 cent of said they could care less if the smoking was  
21 allowed in the bars or not. You see, they would  
22 rather be in a bar that has people in it that they can  
23 socialize with than in a non-smoking bar that is  
24 empty. Which, by the way, means they probably  
25 wouldn't be there either. Once again, both would be  
26 served with a ventilation solution.

27 There has been some public support for the ETS.  
28 We ourselves in Fort St. John have a half-wit doctor  
29 who has publicly -- and probably never been in a bar  
30 in town -- and he says that now the non-smokers will  
31 be coming out in droves. Well, where are they? When  
32 the ETS regulations came into effect they were in the  
33 same place they always were, not in our bars or pubs.  
34 So I say to them put up or shut up. Your business in  
35 not in jeopardy here, ours is. And if you feel that  
36 strongly about it, and there are so many of you, then  
37 how come there is no non-smoking bars in Fort St.  
38 John? Surely if you are the majority then some  
39 entrepreneur would have seen the opportunity of a  
40 lifetime and opened such a bar. It hasn't happened  
41 and it won't happen in Fort St. John because, whether  
42 you admit it or not, the North Peace is still a  
43 smoking majority.

44 We know this because we have actually went and  
45 done a survey, not clouded by racism toward smokers  
46 but one that sees both sides, and you will have this  
47 presented to you later on today. I do believe in

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1 protecting our staff and guests and I don't think  
2 smoking should be allowed in most public places. But  
3 if you're old enough to work or visit bars, this  
4 should be your choice and smoking an option.

5 Policing this regulation is a whole other  
6 problem. I'm sure during our smoking blackout I had  
7 more injuries to staff trying to enforce this than all  
8 other situations combined. And is WCB going to up our  
9 rates because of this additional injuries due to, you  
10 know, your regulation? So there's a catch-22: Put our  
11 employees at more risk, up our rates and the whole  
12 time be saying you're doing this for them. Are you  
13 sure you're not a government agency?

14 In closing, I would once again plead with you to  
15 help us help our employees from both ETS and from  
16 losing their jobs due to downsizing. I and my staff  
17 have worked very hard for a lot of years to build our  
18 business up so we can all make a living off of it. And  
19 if you take it away from us, will you not be doing our  
20 employees an even greater injustice? Let us work  
21 together to find a ventilation solution that will keep  
22 the WCB happy, the politicians satisfied this close to  
23 an election, the employees in the hospitality industry  
24 in Fort St. John in work and our doors open for  
25 business.

26 And, finally, we are the hospitality industry.  
27 Let us be hospitable to all people, smokers and non-  
28 smokers.

29 Thank you for taking time to listen to what I  
30 have to say.

31 THE CHAIRPERSON: Thank you. Mr. Mike Brise. Mr. Mike  
32 Brise. Good morning.

33  
34 PRESENTATION BY MIKE BRISE, 504806 BC LTD:

35  
36 MR. BRISE: My name is Mike Brise and I represent the Grand  
37 Trunk Inn in Vanderhoof. The proposed regulation, as  
38 is, is not good for anyone. It's not good for  
39 employees; it's not good for small business; it's not  
40 good for the economy especially in small northern  
41 communities. We must come to an equitable solution  
42 that is good for all.

43 During this address I'm only referring to age-  
44 controlled premises being pubs, bars and cabarets. One  
45 rule does not fit all. Restaurants are a whole  
46 different story, and I do have a restaurant, but bars  
47 are the concern.

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1           There are numerous negative effects such an  
2 uncompromising regulation would have. I guess for me  
3 the worst one would be the devastating financial  
4 effect it would have on my business. Small-town  
5 hotels totally rely on their bar sales to survive. As  
6 I'm sure you're aware, Stats Canada released figures  
7 that pub and bar sales were down 18 per cent during  
8 the first quarter of the year compared to the same  
9 period last year. The smoking ban only lasted 80  
10 days, so actually we had ten days of recovery within  
11 that quarter and it was still 18 per cent.

12           Now, let's look at this 18 per cent a little  
13 further. That's a Province wide figure. Victoria  
14 already had a ban, so there probably wouldn't be much  
15 effect there. Greater Vancouver has a million non-  
16 smokers to draw from so maybe the effect wasn't as  
17 great there. So where does that put us in Northern  
18 B.C.? I would say more like 40 to 50 per cent drop in  
19 sales. And let's be realistic, there was not 100 per  
20 cent compliance throughout this. So if we had 100 per  
21 cent compliance, then how high would that figure be?  
22 Could be absolutely devastating.

23           You may ask if it was so devastating why were  
24 there not more bankruptcies? Well, it takes more than  
25 80 days to go bankrupt. After 80 days maybe you were  
26 only 30 days behind on bill payments. A couple of  
27 months later, we can't pay our bills at all and then  
28 everybody's done. A few of them that went broke last  
29 time are just the tip of the iceberg.

30           On a more personal level, I was born in B.C. I  
31 have worked my whole life in B.C. My whole life is  
32 invested in my business. I've worked many long hours,  
33 day and night, seven days a week to try to make my  
34 business successful. If this regulation goes through  
35 I will lose everything I have ever worked for in my  
36 life, everything. Because when you own a business and  
37 you borrow money and you have suppliers you have to  
38 put up personal guarantees. So not only does the  
39 business go down. I lose my home. I lose my  
40 automobile. I lose my bank account. I lose  
41 absolutely everything, even my pension because my  
42 business is my pension. And why? Because anti-  
43 smoking lobbyists do not seem willing to look for a  
44 reasonable solution to a problem that we can solve.

45           And what will it do for my employees? Most of  
46 them are young, trying to make a start in life.  
47 Numerous are single parents. Where do they end up?

## Presentations

1 They follow the same slow death as the hotel. Their  
2 shifts get cut; their tips are eroded and then  
3 eventually they have no job. And these are real  
4 people. My hotel employs 32 people. Other than the  
5 forest industry, it's one of the largest employers in  
6 Vanderhoof. It will have an affect on the entire  
7 community if it closes.

8 Anti-smoking advocates always mention hospitality  
9 industry figures in general. They mention places like  
10 California, that the hospitality industry actually  
11 grew. Well, of course it grew. They have multi-  
12 national chains building hotels every day, meanwhile  
13 little small-town pubs and bars are going broke. The  
14 same thing in B.C. If 100 small-town hotels and pubs  
15 go broke and five major hotels are built in Vancouver,  
16 guess what they're going to say? The hospitality  
17 industry grew. But come and tell that to the 100  
18 businesses up here that have gone broke.

19 At present people can smoke in a bar. When they  
20 are in a bar they are supervised. If we see a  
21 potential problem, we deal with it before it becomes a  
22 problem. Or if it does become a serious problem, at  
23 least we are aware of it and we can do something to  
24 protect our patrons. If people are congregating  
25 outside, around corners, in the dark, in bathrooms to  
26 have a smoke we can not always be aware of what is  
27 going on. Violence is a reality in bar situations.  
28 These people have been drinking; some are on quite  
29 heavy drugs that we don't even know about. Some of  
30 them just are anti social violent people. I deal with  
31 some of the worst that society has to offer sometimes.  
32 These people need to be supervised when they are in  
33 group situations. That's exactly why police don't  
34 like closing times, because all these supervised  
35 people suddenly become unsupervised. It's not a good  
36 situation. Now you're going to have that happening  
37 all the time. Unsupervised people outside, stuff will  
38 happen.

39 I witnessed a situation outside my bar. A guy  
40 was on the ground getting kicked in the head; the  
41 people watching were encouraging it. If me and my  
42 staff had not known about it and been there that  
43 person could have been killed. There actually was a  
44 beating death in my hotel before I owned it so these  
45 situations are real. And the more that people are  
46 unsupervised the more likely this kind of stuff will  
47 happen. If sales are down I will have less staff to

## Presentations

1 supervise these people.

2 And that brings up another safety issue. Do I  
3 send my staff outside to supervise to see what's going  
4 on? I think that's very unsafe. I try to discourage  
5 them from going outside unless it is absolutely  
6 necessary. I'm not saying ETS is not a hazard, but  
7 sometimes things need to be put into perspective. I've  
8 been beat up in my parking lot. I've been scared many  
9 times but I've never been scared because somebody lit  
10 up a smoke.

11 We will lose the ability to monitor our  
12 customers. They will go out to their car, have a  
13 smoke; maybe somebody's got a bottle of whiskey out  
14 there and they come back in. As far as we know, oh,  
15 this guy's only had a couple of beer and we serve him  
16 another. The next thing you know he's really  
17 hammered. How did that happen? Now we have a  
18 situation of over service that goes beyond our control  
19 and we were not aware of. At least when they are  
20 inside we know how much they are drinking; we know  
21 what they are doing.

22 In the wintertime when it's cold people go  
23 outside to have a smoke. Well, might as well sit in  
24 the car, start it up, it's a lot warmer. It's kind of  
25 cold standing out there at 30 below. So now they're  
26 possible breaking the law already. They're in care  
27 and control of a vehicle. So we've lost control  
28 there. We cannot monitor these people how they may  
29 get home. Once they're sitting in the car -- people  
30 get funny ideas when they've been drinking, poor  
31 judgment -- it's real easy to put that car into gear  
32 and drive away, even though their original intention  
33 was to only have a cigarette. You people may not see  
34 this side of life very much but these problems are  
35 very real.

36 So what's the solution? The first solution is to  
37 leave the door open for mechanical or administrative  
38 controls. Don't slam the door shut on us and make  
39 this the end of the story. Too many jobs and  
40 livelihoods are at stake. All options should be  
41 explored now and in the future. There's a process  
42 called photocatalytic oxidation that will remove 99  
43 per cent of particulate gasses, chemical compounds and  
44 volatile organic compounds from the air. This must be  
45 looked at. It would be irresponsible not to look at  
46 it. And it must be looked at with the intention of  
47 finding a solution, not just to say, "Oh, we looked

## Presentations

1 but its not good enough."

2 When I was in Richmond on Tuesday at the  
3 Hearings, as we were walking out of the room I heard a  
4 WCB person make a comment. He said, "Why would we  
5 look at a 98 or 99 per cent solution when we have a  
6 100 per cent solution already?" During a Public  
7 Hearing process I find that attitude to be very  
8 inappropriate. And, as I've already outlined, there  
9 are many, many problems with his so-called 100 per  
10 cent solution.

11 Smoking is allowed on patios, which can have two  
12 walls. I believe we can move the air indoors just as  
13 fast as it will move on a patio. Removing 99 per cent  
14 of toxins from air will make it totally safe for  
15 employees. It's a win/win solution for everyone, the  
16 employees, businesses and even the WCB, because I'm  
17 sure nobody wants to go through the mess that we  
18 already went through once.

19 THE CHAIRPERSON: You have five minutes.

20 MR. BRISE: In conclusion, I believe you have the  
21 responsibility to the workers, the employers and the  
22 people of British Columbia to find an equitable and  
23 reasonable solution to this problem without causing  
24 undue hardship on jobs or businesses. And I do  
25 support the existing regulation 4.83(2), which states:  
26

27 Exposure of workers to ETS must be minimized by  
28 use of all reasonable and practical controls  
29 including administrative and engineering  
30 controls.  
31

32 Thank you.

33 THE CHAIRPERSON: Thank you. If there are no other speakers  
34 who wish to speak at this time we will break until  
35 11:45. Is there anybody who wishes to speak? We will  
36 break until 11:45. Thank you.  
37

38 --- PROCEEDINGS RECESSED 11:20 A.M.)

39 --- PROCEEDINGS RESUMED AT 11:55 A.M.)  
40

41 THE CHAIRPERSON: Is Mrs. -- Miss Phylis Nicholson here? Do  
42 you want to come forward? Good morning. If you would  
43 like some water there's some there.

44 MS. NICHOLSON: Thank you.  
45  
46  
47

## Presentations

PRESENTATION BY PHYLIS NICHOLSON, YELLOWHEAD INN:

1  
2  
3 MS. NICHOLSON: Good morning Panel Members, ladies and  
4 gentlemen. My name is Phylis Nicholson and I manage  
5 the Yellowhead Inn and I've worked in the hospitality  
6 industry for 19 years.

7 When WCB imposed their smoking ban in January of  
8 2000 I have never seen such devastation done to the  
9 employees in all the years that I have worked in this  
10 industry. They suffered loss of hours, loss of wages,  
11 loss of tips, loss of medical coverage and loss of  
12 extended-health benefits as medical and extended-  
13 health care is the formula worked out on the number of  
14 hours that they actually work.

15 The revenue in the two bars that are in the hotel  
16 went down by 27.7 per cent in January, 26.3 per cent  
17 in February and 22.4 per cent in March, which caused  
18 hardship, not only for the hotel but the employees.  
19 Because they still had some hours, they didn't qualify  
20 for Employment Insurance or welfare. They struggled  
21 just to keep a roof and to keep their families fed.  
22 That is why the unemployment insurance rate didn't  
23 drop during much that -- that -- during the smoke ban  
24 in Prince George. Needless to say, there was a  
25 percentage of liquor and tax and GST that dropped,  
26 which is also submitted to the Government.

27 The World Health Organization has failed to make  
28 any connection between exposure to second-hand smoke  
29 and lung cancer. So I ask, where is WCB getting their  
30 supporting facts from? The Non-smokers Right  
31 Association received \$822,568 in 1997 in Government  
32 grants. All of this funding derives from the taxes  
33 that the Government collects from smokers and their  
34 membership is only approximately 300 across this great  
35 nation of ours. Surely some of that money can be  
36 spent on a program, for example ventilation  
37 assistance, to keep people working and not causing  
38 hardships on the people. Isn't this Government  
39 supposed to be a Government of the people, for the  
40 people and by the people? What makes the people of  
41 B.C. angry is WCB forcing us out of jobs with zero  
42 tolerance and expects us to enforce their regulation.

43 There are successful ventilation systems that  
44 have been proven to be effective. That is why I  
45 respectfully request from you, the Panel Members,  
46 insist that WCB take a good long look at these  
47 systems, which have been approved in other provinces,

## Presentations

1 and this would give everyone concerned clean air and a  
2 happy working force.

3 Thank you.

4 THE CHAIRPERSON: Thank you. Mr. Jamie Stoddard. Good  
5 morning.

6 MR. STODDARD: Hi. You're right on time today, aren't you?

7 THE CHAIRPERSON: Do our best.

8

9 PRESENTATION BY JAMIE STODDARD, CARIBOO HOTEL:

10

11 MR. STODDARD: My name is Jamie Stoddard and I am an owner  
12 of the Cariboo Hotel in Quesnel.

13 After the way WCB forced their smoking ban on us  
14 last winter and the two months of the living hell that  
15 it put my partners and myself through, the concern  
16 over security for their jobs that it put our staff  
17 through, the total disbelief that their freedom of  
18 choice had been taken away from them by a vast  
19 majority of our customers, it makes me very happy to  
20 be able to be here today to be able to let our  
21 opinions to be heard. And I do hope that they will be  
22 heard.

23 Our hotel is a small hotel with a relatively busy  
24 bar that our family has owned and operated for the  
25 past 31 years. We usually employ about 30 people, all  
26 of which -- of which almost all of them are smokers. I  
27 myself am a non-smoker, by the way. We built our bar  
28 business by catering largely to a smoking clientele,  
29 as have most other bars whose revenues are primarily  
30 generated by liquor sales. A good portion of our  
31 customer base doesn't come from -- a good portion of  
32 our customer base doesn't come in for one or two  
33 drinks, as the perfect world might expect, but they  
34 come in and relax with a few friends for three to four  
35 hours day in and day out. And, yes, they're smoking.  
36 They're filling those ashtrays and they're filling our  
37 cash registers. They're creating employment and  
38 they're creating profit.

39 I know the word "profit" is probably not a  
40 politically correct word, let alone possible in the  
41 Province of British Columbia these days, but that's  
42 what I'm in business for. It doesn't take a lot of  
43 smarts to realize that smoking in bars like mine is an  
44 economic reality. I know it; our staff knows it; our  
45 customers know it.

46 So what does -- what kind of fantasy world has  
47 the Workers' Compensation Board of British Columbia

## Presentations

1       been talked into believing actually exists? To  
2       implement WCB's zero-tolerance smoking ban on our  
3       business would decimate a large portion of our  
4       business; as was proven last winter when our volumes  
5       dropped off by 15 per cent compared with the previous  
6       year.

7       This is 15 per cent that very few businesses in  
8       the Central Interior can afford to lose right now. And  
9       this drop occurred even though we closed in our patio  
10      and permitted smoking in that area. During this  
11      period 75 per cent of our volume came from that  
12      closed-in patio. I shutter -- I shutter to think how  
13      much our business would have dropped had we not had  
14      that closed-in smoking area.

15      As I recall, there were some surveys conducted  
16      last fall to see what the public opinion was about  
17      smoking -- about the smoking ban. The survey said  
18      that over 75 per cent of British Columbians were in  
19      favour of it. Well, it's a well-known fact that in  
20      our hospitality industry that 20 per cent of the  
21      population drink 80 per cent of the liquor. We cater  
22      to that 20 per cent. The other 80 per cent is not  
23      likely to frequent our bar even though we're non-  
24      smoking, not that we could survive on their business  
25      if they did because they don't drink enough.

26      So why? Why would the WCB impose a zero-  
27      tolerance level of environmental tobacco smoke on our  
28      industry when every other industry is afforded certain  
29      levels of harmful particulates in their work  
30      environments? The only thing I can think of is that  
31      the tunnel-vision special interest groups that form  
32      the clean air coalition, that the WCB seems to have  
33      sided with, have convinced the powers that be that  
34      there would be very little, if not any, economic  
35      impact on the industry. Well, I'm here to tell you  
36      they're wrong. I'm also here to say that if WCB  
37      refuses to listen to the cries of the industry to  
38      accept a ventilation system and to see if the WCB  
39      proceeds to implement a similar form of smoking ban as  
40      they did last January, I say shame on you. Shame on  
41      you for forcing the position and the agenda of special  
42      interest groups on the people of the Province of  
43      British Columbia.

44      Those are my views. Thank you.

45      THE CHAIRPERSON: Thank you. Mr. Lidder? Is Mr. Lidder  
46      here? Is there anybody else who wishes to speak at  
47      this time? We'll give Mr. Lidder a few minutes to

## Introduction

1 arrive.

2 Is Mr. Lidder here now? Mr. Lidder? We will  
3 adjourn now until one o'clock.

4  
5 --- PROCEEDING RECESSED at 12:10 P.M.

6 --- PROCEEDINGS RESUMED AT 1:10 P.M.  
7

8 THE CHAIRPERSON: Good afternoon and welcome. This is a  
9 public hearing on proposed amendments to Part 4,  
10 Sections 4.82(3) and 4.83 of the *Occupational Health*  
11 *and Safety Regulation*. It is being held pursuant to  
12 Sections 225 and 226 of the *Workers' Compensation Act*  
13 of British Columbia. The proposed amendments are as  
14 follows:

15  
16 4.82(3) An employer must ensure that a worker  
17 does not work in an indoor area where smoking is  
18 permitted under Section 4.81, except in an  
19 emergency, in a circumstance where entry is  
20 required to investigate for illegal activity, or  
21 until the tobacco smoke has been effectively  
22 removed.  
23

24 It is also proposed that Section 4.83 be deleted.  
25 These are the only two sections of the regulation that  
26 are under review at this time.

27 My name is Louise Logan and I am the Chair of  
28 this hearing. To my right is Mr. Edward Bates, Legal  
29 Counsel. To my far right Mr. Thomas Kemsley, Vice-  
30 Chair. To my left is Ms. Maureen Nicholls, Chair of  
31 our Panel of Administrators.

32 Just a few comments about the process that will  
33 be followed this afternoon. We are here to listen to  
34 your views. If presenters have questions, please  
35 address them to me as the Chair. I and other members  
36 of this Panel may also be asking questions from time-  
37 to-time in order to seek clarification or further  
38 understanding of a particular presentation.

39 Please speak at all times into the microphone, as  
40 this hearing is being recorded and transcribed. To  
41 ensure that everyone has the opportunity to speak and  
42 be heard, presenters are asked to keep their  
43 presentations to the allotted time. I will remind  
44 presenters when they have five minutes remaining.

45 I remind everyone at this time that we are also  
46 accepting written submissions. Information about how  
47 to make a written submission is available at the sign-

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1 in desk outside this auditorium.

2 We are offering the use of an overhead projector  
3 to those of you who wish to use visual materials.  
4 Please advise the sign-in desk in advance if you  
5 wish the projector to be set up.

6 This is the first step in the review of the  
7 proposed amendments to the environmental tobacco smoke  
8 provisions of the *Occupational Health and Safety*  
9 *Regulation*. Once this process is complete, all  
10 written and oral submissions will be examined. The  
11 final decision will be made by the Board's governing  
12 body, the Panel of Administrators.

13 Thank you for your interest and involvement in  
14 this hearing, we look forward to your presentations.

15 Mr. Michael Champ is our first speaker this  
16 afternoon. Good afternoon.

17  
18 PRESENTATION BY MR. MICHAEL CHAMP, ON BEHALF OF MICCI'S PUB  
19 INC.:

20  
21 MR. CHAMP: My name is Michael Champ. I represent  
22 Micci's Pub Inc., which owns Jackfish Dundee's and  
23 Teabag Annie's. Jackfish Dundee's is a 65-seat "D"  
24 Licence pub. Teabag Annie's is a 224-seat "B" Licence  
25 dining room.

26 Whether or not you choose to believe it, 65 per  
27 cent of my clientele smoke. The other 34 1/2 per cent  
28 do not support this ban either. All of us in this  
29 industry strive to protect our staff. Staff is  
30 extremely hard to come by and train. I employ 38  
31 people, most of which have been employed by me for  
32 several years and of that 34 do smoke.

33 During the approximate three months the WCB's  
34 smoking ban was in effect, although we were compliant  
35 only probably 60 days, the last 60 days, we seem to  
36 have suffered an 18 per cent gross drop in our sales.  
37 While I'm sure that some of you may feel that is an  
38 acceptable loss, 32 per cent of that was in-house  
39 sales.

40 This is coming off last year, which was the worst  
41 year I have done in nine years, so that's down from  
42 that. The true scope of this loss will never be  
43 actually known. During the ban, we cut three full-  
44 time jobs and over 1200 hours in total.

45 I have a huge investment wrapped up in my  
46 business. During this ban I sold -- I took out my  
47 RSPs, I sold property just to make sure I could pay my

## Presentations

1 government, my staff and my WCB remittance. My  
2 business cannot survive another month.

3 What choices are you left with? The bank either  
4 takes you or the WCB fines you into oblivion. I  
5 cannot believe that a government and its institutions  
6 can so callously disregard the taxpaying base of this  
7 province over and over again. How on one hand can you  
8 consider legalizing marijuana, opting for shooting  
9 galleries for heroin addicts, build and maintain  
10 smoking pits in our high schools and, yet, ask us to  
11 alienate and police that part of our clientele who  
12 wish to escape the bureaucratic nightmare our life has  
13 become.

14 We ask you to help us find a solution to this, a  
15 solution where we can protect our employees' health,  
16 our clientele and our businesses. Even our own Public  
17 Health Nurse stated the number one health concern is a  
18 good job. I do support a feasible ventilation  
19 solution and that's about all I have to say.

20 THE CHAIRPERSON: Thank you. Mr. Bruce Strong -- Strachan,  
21 I'm sorry.  
22

23 PRESENTATION BY MR. BRUCE STRACHAN:  
24

25 MR. STRACHAN: Thank you very much. My name is Bruce  
26 Strachan -- and you're right, it's pronounced either  
27 way, but I prefer Strachan.

28 I'm probably the only presenter here in your  
29 hearings who is both a former bar-room piano player  
30 and a Provincial Minister of Health. I'm also a  
31 reformed three-pack-a-day smoker and a volunteer  
32 facilitator for the Canadian Cancer Society Fresh  
33 Start Program.

34 I had my last cigarette at 12:30 in the  
35 afternoon, Saturday, January the 23rd, 1988. At the  
36 time, I was a Member of the Provincial Executive  
37 Council, Minister of Environment, Government House  
38 Leader and Minister of State for the Cariboo. At the  
39 time, I was also watching a political colleague, Alex  
40 Fraser, die. A year and a half earlier, Alex had been  
41 diagnosed with throat cancer from smoking. He'd had  
42 surgery, couldn't speak and his airways were severely  
43 compromised. If I describe what it was like to hear  
44 him breathe or to try and clear his throat, which he  
45 had to do continually, many of you would be ill. A  
46 little over a year later Alex died.

47 Fast-forward to January 1999 and I learned that

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1 the Capital Regional Health District in Great Victoria  
2 is stopping smoking in bars. Throughout that year, I  
3 followed the progress of this and, with the exception  
4 of a couple of holdouts in Esquimalt, the Greater  
5 Victoria area was smoke-free. The policy was a  
6 success there.

7 January 1st, the year 2000 the WCB Regulation  
8 kicked in throughout the province. There was a  
9 protest, as you all know, particularly from the bars.  
10 The pub owners hired a lawyer, proved that the WCB has  
11 not followed their own regulations and here we are.

12 First, let me say the WCB was profoundly at fault  
13 for not following its own policy and for leaving  
14 itself wide open to judicial review, plus the distinct  
15 possibility of a class action lawsuit. Second, and  
16 having said this, I congratulate the Board for going  
17 ahead with the prescribed public hearing process and  
18 not trying to appeal the Judgment of Madam Justice  
19 Stromberg.

20 Throughout these hearings, you'll hear evidence  
21 that a smoking ban will be the ruination of the pub  
22 industry and we've just heard the previous speaker.  
23 And, with the greatest respect to that, I say, tough,  
24 times change. The smoking ban is working in Victoria.  
25 It will work throughout the rest of the province.

26 I stopped playing music in bars in 1971. In  
27 those days I was working six nights a week and  
28 business was great. Also, in those days it was common  
29 that everyone smoked. People drove home from the  
30 drinking establishments while impaired and hardly  
31 anyone did up their seatbelts. In 1977 seatbelt  
32 legislation was introduced and so was the B.C. Counter  
33 Attack Program. Soon attitudes changed.

34 Next we began to hear overwhelming evidence that  
35 smoking killed. Everett Coop, the U.S. Surgeon-  
36 General of the day, convinced the U.S. Government to  
37 put warnings on cigarette packages. Soon it became  
38 popular not to smoke. In the last ten years anti-  
39 smoking regulations in public places have become the  
40 norm. Now in B.C. less than 30 per cent of the  
41 population smoke. This latest WCB Regulation,  
42 although wrongly intended and wrongly handled last  
43 year, is the logic conclusion of this massive change  
44 in public attitude. And as I said, it's just too bad  
45 you botched it the first time. Let's hope you get it  
46 right this time.

47 The cost of smoking is high. The province

## Presentations

1 generates a little under 500 million a year in tobacco  
2 taxes, yet spends over 1.5 billion, with a "b", in  
3 tobacco related illnesses such as cancer and cardiac  
4 disease. Those are taxpayers' health dollars that  
5 should go to treating conditions other than those from  
6 self-inflicted causes.

7 As the Minister of Health, I spent time at the  
8 Heather Cancer Treatment Centre in Vancouver. And if  
9 you want to be convinced to stop smoking, meet a  
10 patient who has had a smoking-related mouth cancer,  
11 has had extensive surgery and needs a prosthetic plate  
12 for the roof of their mouth. This is just to stop  
13 food from coming out their nose when they try to eat.  
14 These people do not enjoy life.

15 More alarmingly, from testimony given at Senate  
16 hearings two weeks ago in Ottawa, we learned that 30  
17 per cent of Canadian youth smoke. I only hope that  
18 these young people realize how disfiguring smoking-  
19 related surgery can be. I also learned from those  
20 hearings that only ten per cent of youth in California  
21 smoke. So if you're interested in a style argument,  
22 one only need look at south of the border here.

23 The issue here, in my mind, is not an intrusion  
24 into personal freedom. It's not about big brother  
25 government attempting to control the lives of others.  
26 The issue here is health, specifically, the health of  
27 workers in the hospitality industry and generally the  
28 health of all British Columbians. Those of us who  
29 don't smoke, and we are in the majority, must insist  
30 that every agency, public or otherwise, does whatever  
31 it can to lengthen life and make our communities a  
32 better place to live and work.

33 Smoking disfigures and eventually kills. That's  
34 a fact. Hospitality workers in smoking premises have  
35 a higher incidence of smoking-related illnesses than  
36 the general population whether or not those workers  
37 smoke or not. As a taxpayer, and as a citizen of this  
38 province, I want to see everyone stop smoking. The  
39 smoking habit is costing me money.

40 Currently our regional hospital has had  
41 specialists threaten to withdraw, and I should tell  
42 you that in the last hour we found out that they have  
43 withdrawn their services. How many people waiting for  
44 surgical procedures are there because of a smoking  
45 related disease? I know of one, but I'll bet there's  
46 more currently there and because he smokes. How long  
47 would the surgical waiting list be if there were no

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1 smokers with self-inflicted problems? Shorter, I'm  
2 sure.

3 Some here may find it difficult to stop smoking  
4 and some here may make an economic argument. And it  
5 is difficult to stop smoking, God knows, I did it and  
6 it is tough. But believe me, and remember my friend  
7 Alex Fraser, sooner or later everyone stops smoking.

8 Thank you.

9 THE CHAIRPERSON: Thank you. Mr. Charles Kux-Kardos? Good  
10 afternoon.

11 MR. KUX-KARDOS: Good afternoon.

12  
13 PRESENTATION BY MR. CHARLES KUX-KARDOS, ON BEHALF OF THE  
14 ALASKA HOTEL:

15  
16 MR. KUX-KARDOS: My name is Charles Kux-Kardos and my wife  
17 and I have owned the Do-Drop-Inn Pub in Dawson Creek  
18 since 1989 and have run the Alaska Café in Dawson  
19 Creek since 1972. In introducing myself, I'd like to  
20 just read from the Inspection Report of February the  
21 15th, 2000 by Officer Bert O'Brien who conducted an  
22 environmental tobacco smoke-related inspection. He  
23 writes:

24  
25 This employer appears to be maintaining  
26 compliance as no evidence of tobacco smoking was  
27 noted on the premises and no smoking signage was  
28 clearly evident. A meeting with Mr. Kux-Kardos  
29 revealed an employer that is sincerely attempting  
30 to comply and presented these officers with a  
31 constructive non-confrontational discussion. The  
32 smoking-room option was discussed and these  
33 officers assured this employer that an OHO will  
34 be in contact with him to offer assistance.

35  
36 I really genuinely and sincerely attempted to comply  
37 following the first several weeks of the smoking ban  
38 and it was -- like, it was a nightmare, just an  
39 absolute nightmare, and at this point there's  
40 absolutely nothing that frightens me as much as the  
41 thought that the old status quo is going to be  
42 restored.

43 My submission addresses two -- is in two parts.  
44 The first addresses the amendments that are proposed  
45 and the second just discusses how the smoking ban  
46 affected us. For a written submission, I am going to  
47 include the oral submission and some other material,

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1 which I will leave with you. And I've just attached  
2 various documents to illustrate the extent to which  
3 the smoking issue literally took over our lives. And  
4 it represents a scrapbook, if you will, of a most  
5 stressful and difficult period.

6 The proposed amendments, Section 4.81,  
7 controlling exposure, I find faulty and confusing. Any  
8 total prohibition of smoking in the bar is not a  
9 viable alternative. Restricting smoking to designated  
10 smoking areas in a property like ours turns our  
11 workplace into a virtual obstacle course. 4.81(b)  
12 goes on to say:

13  
14 ...or other equally effective means.  
15

16 Who is going to define "equally effective"? Air  
17 quality testing was never done on our premises. We  
18 have smoke eaters; we have a ventilation system and  
19 we're working to develop an even better ventilation  
20 system, but it's absolutely essential that we be  
21 provided with reasonable standards that are not zero-  
22 tolerance, standards that we can meet and that will  
23 still allow the smokers to be part of our  
24 establishment. And I think that the issue of the  
25 smoke testing and of testing of air quality is really  
26 important. I went into the body shop to check on my  
27 car the other day -- if those employees can be  
28 subjected to that kind of toxic fumes, or I worked in  
29 a cement plant a long time ago and the same kind of  
30 thing. Our WCB rates are fairly low, which would  
31 suggest that, you know, it's not a particularly  
32 dangerous occupation.

33 Anyway Section 4.82, designated areas, places an  
34 impossible burden on existing buildings unless the way  
35 the space is designed lends itself easily to separate  
36 areas. And with probably 90 per cent of our customers  
37 being smokers, this is an impossible burden.

38 Part 4, Section 4.82(3), as amended, seems to  
39 close the door on courtesy of choice, style,  
40 ventilation solutions and I find that unacceptable.

41 To hold an employer responsible for ensuring that  
42 a worker does not work in an indoor area where smoking  
43 is permitted puts the smoking ban back on our  
44 unwilling shoulders. We cannot be pitted against our  
45 bread and butter in order to provide a free police  
46 force for the government's anti-smoking agenda.  
47 Nothing should give rise to the heavy-handed nit-

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1 picking enforcement methods WCB demonstrated itself  
2 capable of devising. What we experienced, what I  
3 experienced, can only be described as tyranny.

4 How the smoking ban affected us? Without any  
5 hesitation, I can state that the first three months of  
6 our new millennium nearly ruined us financially and  
7 emotionally. It was the most stressful period I've  
8 encountered in nearly 30 years of being in business.  
9 February was the first month in nine years that the  
10 Do-Drop-Inn lost money on its operations. I still  
11 have liquor purchases from February and March on my  
12 Visa card. February revenues were down 50 per cent.  
13 Keno revenues were down by 70 per cent. We laid off  
14 several employees and reduced hours, tips suffered. I  
15 don't frankly see how the business could have  
16 supported another months of it.

17 The police were called 13 times to deal with  
18 violence in the bar. I believe that that was a huge  
19 increase over 1999. Stress was high for customers,  
20 staff and owners. It got to where I dreaded facing my  
21 guests; smoking conflicts haunted my dreams; the  
22 problems were continuous; defiant Albertans  
23 challenging us along with defiant British Columbians  
24 and others.

25 WCB failed miserably in creating a level playing  
26 field; their ducks were not in a row. WCB was  
27 actually advising us to call the RCMP. The RCMP had  
28 not even seen the WCB sheet nor had the Liquor  
29 Inspector. The health of our business depends on  
30 customers being able to consume where they smoke.

31 I have found the relationships between the  
32 various players confusing, to say the least. I  
33 received warning letters from a mysterious Mr. Brown.  
34 I reply. Mr. Bruce Clark replies to me saying the  
35 warning letters are "meant to be an educational tool  
36 to assist and encourage employers". According to Mr.  
37 Clark, the letters from Mr. Brown on WCB letterhead  
38 are generated through the Ministry of Health. I find  
39 the enforcement partnership between my insurer and the  
40 Ministry of Health curious. I also find the term  
41 "client" rather euphemistic in describing our  
42 relationship with WCB.

43 Since viewing the video, the ventilation  
44 solution, I'm even more convinced that we must be  
45 encouraged to explore that avenue. I say explore  
46 because, especially here in the North, affordable  
47 ventilation solutions are more challenging. Have any

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1 of you or all of you seen this video? Because if not  
2 I would like to leave it for you and I had this copy  
3 made. It's an 11-minute video and it's really an eye-  
4 opener so --

5 THE CHAIRPERSON: We do have a copy, but if you'd like to  
6 leave one you're welcome to.

7 MR. KUX-KARDOS: Well, if you have it -- you already have  
8 it you say?

9 THE CHAIRPERSON: Yes.

10 MR. KUX-KARDOS: Well, I'm not going to waste it.

11 In closing, I wish to express the sentiment that  
12 I hope you are truly open-minded and that this hearing  
13 process is not the sham which some cynics have  
14 suggested. Mr. Ian May of the Employers' Forum in a  
15 CBC broadcast expressed concern about the process and  
16 the selection of the decision-makers. In his letter  
17 to me of May 1st, 2000, Mr. Clark referred to the 13  
18 hearings WCB held before establishing the ETS  
19 requirements. My recollection of anything resembling  
20 consultation was more like people paid by WCB, Health  
21 or Labour laying out for us how it looked like it  
22 would be. There was no real dialogue. Nothing we  
23 said made any difference.

24 Fortunately, the Court agreed about the quality  
25 of the consultation process and declared Section  
26 4.83(3) void.

27 I'm sure you can appreciate that after having  
28 nearly lost an important part of my livelihood as a  
29 result of WCB actions, which were judged illegal,  
30 invested a great deal of time and energy trying to  
31 preserve what we have built, I am bitter and  
32 suspicious. While I may be here in Prince George on  
33 expense account, my time and efforts are all coming  
34 out of the same pocket. Ours. For the record, I  
35 believe these hearings should have been held in our  
36 hometowns.

37 I wrote lots of letters, including letters to our  
38 government, and I didn't get any response from our  
39 government itself, but I did get a very nice letter  
40 from Gordon Campbell, leader of the official  
41 opposition, who I think really, you know, hit the nail  
42 on the head. Mr. Campbell said:

43  
44 We've called into question the way in which WCB  
45 chose to draft and implement the new regulations  
46 around smoking in the workplace. Clearly, the  
47 provincial government failed in its duty to

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1           adequately consult with the general public and  
2           with affected business and employees during the  
3           formulation of these regulations. The WCB's  
4           approach to implementation has been rigid and  
5           heavy-handed and has not been sensitive to  
6           concerns expressed about the timing and economic  
7           impact of its laudable goal of minimizing  
8           workers' exposure to second-hand smoke.  
9

10           We will continue to press the government to  
11           change its approach, protect the health and  
12           safety workers and create an environment of  
13           opportunity for B.C.'s small business owners. And  
14           you're right, one-size-fits-all solutions never  
15           work.  
16

17           Sincerely, Gordon Campbell  
18

19           Reaching an acceptable solution that can really work  
20           is going to take time and will require a great deal of  
21           patience and flexibility.

22           I'd be pleased to answer any questions that you  
23           may have. Thank you.

24           THE CHAIRPERSON: We have no questions, thank you. Mr.  
25           Raven Pruden? Good afternoon.  
26

27           PRESENTATION BY MR. RAVEN PRUDEN, ON BEHALF OF THE WET SPOT  
28           AND MCKENZIE INN:  
29

30           MR. PRUDEN: Well, I'm a little nervous.

31           THE CHAIRPERSON: Do you want some water?

32           MR. PRUDEN: I'll be fine.

33           I think I'll start here with the statistics of  
34           non-smoking versus smokers. For some reason, in our  
35           community our stats seem to be quite a bit different  
36           than what you guys present to us. I did a little  
37           survey myself with the people that come to my bar.  
38           Perhaps I should introduce myself.

39           I represent the Wet Spot and the McKenzie Inn,  
40           Fort St. John. And there are actually three bars,  
41           three drinking establishments at the McKenzie Inn.  
42           There's the Club Hollywood's, Doghouse Lounge and the  
43           Wet Spot, which is a night-club. Through these three  
44           bars I presented two petitions, one for pro no smoking  
45           in bars and a second one for pro smoking in bars. So  
46           that allowed everybody within my establishment to take  
47           an opinion one way or the other. Without asking for

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1 any of their views, I simply asked them to sign the  
2 paper whatever they support, however they support with  
3 no pressure or political views from myself.

4 I'll present these to you when I'm finished here.  
5 I have them in front of me. But I have one page that  
6 isn't completely filled out, as you can see.

7 THE CHAIRPERSON: I'm sorry. I didn't see that.

8 MR. PRUDEN: Oh, I'm sorry. This is for the pro no smoking  
9 bar. It's not quite a full page of people that were  
10 in support of not having any smoking within my bar.

11 Interesting enough, from this, they were all in  
12 favour of having ventilation as a possible solution to  
13 that. I have several pages here for people who were  
14 in favour of smoking in bars and some of them  
15 identified themselves as non-smokers. A lot of them  
16 that I talked to didn't have an opinion and they  
17 couldn't care whether there was smoking or non-smoking  
18 in the bars. I'll leave these here for you guys to go  
19 over, as well.

20 Which brings me to, a lot of the issues that I  
21 was going to discuss here today I've noticed  
22 throughout the day have been discussed, some of them  
23 in great detail and some of them not so much.

24 The economic hardship is a reality. It affects  
25 the small people in this business. Those are the  
26 waitresses, the bartenders, the porters. These are  
27 people that don't have the education that perhaps a  
28 lot of us do and they are not going to get the  
29 advantages that education will give them. This is  
30 their livelihood and this is all they can hope to get.  
31 This is what they support themselves with. This is  
32 what they live with and we're taking that away from  
33 them. That's very important. To weigh their  
34 hardships against their potential -- and I have to say  
35 potential -- health risks just isn't logical.

36 To go on further with that, of my staff, which I  
37 polled, in my bar alone I have 30 people working. Four  
38 of them are non-smokers. Their opinion is they  
39 accepted that they were working in a smoking  
40 environment and really don't have an opinion on  
41 whether they should be protected from this non-  
42 smoking. The rest of them are smokers. When this was  
43 enforced in January, a lot of them couldn't understand  
44 why they had to go outside now for a cigarette. And  
45 I'd like to touch on that a little bit later again  
46 about having to go outside for staff which goes to  
47 their health, safety, their physical safety of having

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1 to stand outside.

2 But to move on, in the entire hotel we have 150  
3 employees. Ten of them are non-smokers. Again, this  
4 is a reality and it doesn't seem to support your  
5 statistics, but perhaps this is our area of the  
6 province, which is the Peace. And, again, I will say  
7 these meetings should have been held in the Peace and  
8 in our hometowns and not have to drive five hours to  
9 come and speak to you people.

10 I also want to point out that the majority of  
11 speakers that I've heard today are from that region,  
12 which makes me wonder how much consideration are you  
13 actually giving us?

14 The enforcement and what a bar is: I understand  
15 that no smoking is becoming the trend. I believe  
16 there probably are a lot of non-smokers. They don't  
17 attend our business, that being the bar business where  
18 alcohol consumption is involved. This no smoking  
19 issue, smokers versus non-smokers, has started to  
20 segregate the community and, unfortunately, the  
21 smokers go to the bars, the non-smokers don't. And  
22 the non-smokers that do attend the bars won't attend  
23 the bars if there aren't anybody in them. That is a  
24 reality as well.

25 What we have here is the decadents of society.  
26 These are people who obviously aren't concerned about  
27 their health issues or they're certainly non-priority  
28 in their life. They come to a bar to drink and to  
29 enjoy themselves. They work very hard at their menial  
30 jobs, which is all they know they'll ever have, and  
31 this is where they choose to unwind.

32 The liquor restrictions that we have already make  
33 our job very difficult. But as it is, we can enforce  
34 that. So this is where the people who choose to  
35 smoke, choose to drink, choose to be less than what  
36 you would consider an upstanding citizen, this is  
37 where they go, folks, and you're taking that away from  
38 them. Where are these people going to go after that?  
39 At least we have them now in a place where we can  
40 regulate what's going on. We can watch them. We can  
41 control to a certain degree what's going on and that's  
42 what the government wanted. That's why we have these  
43 controls in our bars and the rules that we have to  
44 abide by. To force them out into their houses, into  
45 the streets, into bush parties, we're looking at a  
46 whole different ballgame there.

47 As far as enforcing this, as Charles spoke

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1 earlier and mentioned that he had 15 incidents where  
2 he had to phone the police. This goes up. There's  
3 already an antagonistic view between our patrons and  
4 our staff, especially the staff that has to enforce  
5 their behaviour while they're drinking. And we also  
6 have to keep in mind that these people are not as  
7 rational as they would be sober and some of these  
8 people sober aren't very rational. If they have to  
9 stand outside, perhaps by themselves, perhaps not,  
10 where they're one against 225. If they've upset  
11 somebody at any time of their employment, it could  
12 possibly come back on them in a moment where they're  
13 unaware and outside and having a cigarette and  
14 relaxing for the five minutes that it would take for  
15 them. I don't think that is looking out for their  
16 health and welfare at all. And for us to provide the  
17 extra security for us to deal with that, it's just not  
18 feasible.

19 And I'd like to deal with the health issues. I  
20 heard on the radio today, the young lady that talked  
21 to you earlier was on a small interview saying that  
22 us, as business owners, are more interested in the  
23 money that we're going to be losing, the revenue, as  
24 opposed to our employees' safety. That's just simply  
25 nonsense. We are concerned about the economic loss  
26 that we're going to have which directly relates to the  
27 economic loss that our employees are going to have.  
28 We're very concerned about them. We're concerned  
29 about their health as well. A lot of us don't agree  
30 that second-hand smoke is that big of an issue,  
31 especially when you work in a town that has industries  
32 that are far more detrimental to your health than  
33 second-hand cigarette smoke. Having my car filled up  
34 at a gas station, I'm sure that child who pumps the  
35 gas deals with more toxic fumes than a second-hand  
36 cigarette, although, you'll be happy to know he wasn't  
37 smoking at the pumps.

38 Freedom of choice, there's so many issues that go  
39 on with this, the economic issues, the health issues  
40 and the simple freedom of choice that people should  
41 have. I notice the Health Minister went on about a  
42 story of hardship and people dying. I could tell you  
43 three or four stories of people that were close to me.  
44 My grandfather, my uncle and my grandmother all dying  
45 of health issues, some of them relating to mouth  
46 cancer, my grandfather, and my uncle of lung cancer,  
47 although he spent most of his life working in a mill

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1 here in Prince George, although he also smoked. Who's  
2 to say what was directly related to that? I would  
3 think the mill probably more, although everything  
4 contributed, I'm quite sure.

5 Those people would sit beside me today and they  
6 would look at you and they would tell you that,  
7 although they might regret their choices and regret  
8 the consequences of those, they appreciated having the  
9 freedom of choice. They chose to live the lifestyle  
10 that they did and accepted the consequences. So as  
11 far as that going on, it is a freedom of choice issue.

12 To go on with how WCB has been handling this  
13 situation, it's a multi-faceted situation here. You  
14 have to look at the economic affect that it's having  
15 on us. You have to look at the health opting. You  
16 also have to look at how we're going to enforce this  
17 situation as they put it down to us. I don't think  
18 WCB has taken into consideration any of these things.  
19 They've had their blinders on and they've set their  
20 goal and they've boldly stepped into traffic to try  
21 and cross the street. They haven't looked both ways.

22 They need to look at ventilation as an option,  
23 which most people seem to be in support of. The only  
24 people that I've talked to that aren't in support of  
25 that are officials from WCB and I don't understand why  
26 that wouldn't be in issue.

27 The hospitality industry, and the bars especially  
28 are a different situation than a restaurant. It's a  
29 different situation in your doctor's office and I  
30 think these things have to be looked at differently.  
31 There has to be a different set of rules for your  
32 government offices, for your banks, for your  
33 restaurants, for your bars.

34 There are different types of people that go to  
35 these establishments and, as I said earlier, the type  
36 of people that do go to bars are not your extremely  
37 educated folks that are into healthy choices. But  
38 that is their area to go and they choose that. And,  
39 as I've pointed out, the majority of the staff that  
40 work for me are of that same group. They choose to  
41 smoke; they're working in a smoking environment; they  
42 have no problem.

43 Even to enforce this, if any of my staff in the  
44 next 30 years have any problems or have a claim for  
45 second-hand smoke it wouldn't be accepted because they  
46 are smokers. So what is the point of enforcing a rule  
47 that they will never -- their claim will never be

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1 issued or put through? It doesn't matter to them. It  
2 doesn't matter to you about them. There will probably  
3 be a time in the future where there will be no  
4 smoking, but I think that's somewhere further in the  
5 future. Until the government actually looks at not  
6 selling cigarettes and that becomes an illegal  
7 substance, then we can probably look at enforcing it  
8 as an illegal substance. But to have people purchase  
9 cigarettes down the street and then told they can't  
10 have a drink and smoke them is nearly impossible to  
11 enforce. And to put the onus on us, as bar owners and  
12 operators, to enforce that is absolutely ridiculous.

13 We were told from the WCB that if we had a  
14 problem in enforcing this that we were to phone the  
15 police and the police informed us that they will not  
16 respond to come down and ask a customer to put out  
17 their cigarette. In fact, I will quote, that would go  
18 -- "that would fall under the priorities of a barking  
19 dog," is what one of the Constable said, mentioned to  
20 me. That's how they see it and that's how we see it  
21 as well. A person that would normally be non-  
22 confrontational and relaxed now is a problem because  
23 we've asked them to put out their cigarette. A lot of  
24 our business comes from Alberta. They're not used to  
25 these Communist regimes.

26 In closing, I would just like to say I would hope  
27 that this Board is listening to what we have to say.  
28 In my last dealings with WCB, I saw that there was  
29 absolutely no listening. They simply had an agenda  
30 and were going to follow it through. I hope you do  
31 listen. I hope you guys do look at a ventilation  
32 option and look at perhaps seeing how the enforcement  
33 of these regulations are going to be taken care of so  
34 that there actually is some sort of set policy, so  
35 that we're not fighting each other on this.

36 As far as having extra smoking rooms, the Liquor  
37 Board as well won't allow us to have a smoking room in  
38 a licenced area.

39 So I would certainly hope that the Board would  
40 also consult with the other commissions involved in  
41 our industry as to what we can and can't do and what  
42 options would be provided for us, for this hasn't been  
43 look at as well. I just hope that you people have  
44 your ducks in a row, as Charles mentioned, and looked  
45 at all the options and looked at everything that is  
46 affecting us and our employees.

47 And, finally, I would just like to say that free

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1 enterprise has worked for a very long time in this  
2 country. And as somebody said earlier, if there was  
3 an economy for a non-smoking bar, if there were non-  
4 smoking patrons and enough of them to support such a  
5 bar, there would be one in existence. Somebody would  
6 be smart enough to go there. But there isn't and that  
7 is the reality that we have here, folks. There aren't  
8 enough people to support a non-smoking bar, which  
9 means, regardless of what your statistics tell you,  
10 there aren't enough people in support of that.

11 Thank you for your time.

12 THE CHAIRPERSON: Thank you. Is Ms. Lorraine Grant here?  
13 Mr. Brock Gable?

14  
15 PRESENTATION BY MR. BROCK GABLE, ON BEHALF OF TABOR ARMS  
16 PUB:  
17

18 MR. GABLE: Good afternoon, Panel Members, ladies and  
19 gentlemen. My name is Brock Gable. I'm the owner of  
20 the Tabor Arms Pub in Prince George. And this smoking  
21 issue, I mean, first, let me say that a safe and clean  
22 and healthy work environment for myself and for my  
23 employees and my customers is very important to me.

24 But having said that, I have to speak against the  
25 proposed WCB smoking ban for a number of reasons.  
26 Obviously, and I'm sure you've heard this over and  
27 over again, it's devastating economically to our  
28 industry. And I've heard previous speakers say this,  
29 but one of the primary problems is the non-smokers. I  
30 mean, this isn't just speculation. We've been there  
31 and we've tried this with the previous smoking ban.  
32 The non-smokers just simply don't support us. I mean,  
33 I think their intentions are good, but they live  
34 perhaps a healthier lifestyle. They come in and they  
35 have a glass of beer and a sandwich and they -- you  
36 know, they're normal people. But the primary  
37 customers of my establishment are hard drinkers, heavy  
38 smokers. That's what they choose to do; that's their  
39 environment and that's what they like to do and that's  
40 their choice.

41 And so, you know, in my particular establishment  
42 my revenues, my gross revenues, are down as much as 40  
43 per cent. I would go broke within six months of a  
44 smoking ban. I mean, what do we do in the pub? They  
45 smoke; they drink; and they play B.C. Lotteries; they  
46 gamble. I mean, all of these things are not  
47 particularly healthy. Drinking over -- excess alcohol

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1 is not particularly healthy; excess gambling is not  
2 financially healthy. We are not like restaurants and  
3 we are not like other public areas and other public  
4 buildings. We have some vices, I guess you could say.

5 In terms of my particular business, I have 22  
6 employees; 20 of them smoke.

7 So, I've been a resident here in Prince George --  
8 I'll give you a little bit of history about myself.  
9 I've been here in Prince George for 35 years. I grew  
10 up here. I worked hard as a young man to get ahead  
11 and through sheer hard work and a little luck I  
12 managed to work my way into the neighbourhood pub  
13 business which, you know, I felt very successful that  
14 I could actually get there. So I find it just  
15 astounding to be sitting here before this Panel  
16 pleading my case for my very economic survival and,  
17 even more astounding, against an attack from my own  
18 government and government agency. And this is Canada.  
19 I thought we had freedoms here.

20 This whole scenario, in my opinion, smacks of  
21 McCarthyism. This smoking issue is not about  
22 protecting the health of workers. It's about  
23 regulated social change. In my opinion, if the  
24 government wishes to go to war against the tobacco  
25 companies, so be it, but leave me and my staff and my  
26 customers out of it.

27 A ventilation system, I believe, is a reasonable,  
28 rational alternative and I'm sure that every pub in  
29 the province would welcome the opportunity to  
30 entertain that. I have a quote sitting on my desk for  
31 a ventilation system that would fully replace 30 cubic  
32 feet of outside air per person per minute in my pub.  
33 Now, providing the outside air from the pulp mills is  
34 as good as the air inside, you know, I think that's a  
35 reasonable alternative.

36 In my opinion, I'm here defending my right to do  
37 business. I'm here defending my right of my  
38 customers' freedom to smoke and it's a serious social  
39 issue for me. It goes beyond the business. It's too  
40 much government. It reminds me of George Orwell's  
41 "1984" and if this Orwellian regulation is put in  
42 place then where does it stop? Are obese people the  
43 next target? They tax the health system, do they not?  
44 What about toxins from the gas jockeys pumping  
45 gasoline? My wife and daughter, the other day they  
46 were dying their hair, and the toxins from the hair  
47 dye was far beyond anything I've noticed in a long

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1 time. What about that? What about the pulp mills in  
2 Prince George? What about welding smoke? What about,  
3 what about, what about?

4 We're being targeted, I believe, because of  
5 regulated social change and I feel that it's  
6 astounding, incredible, unbelievable that I should  
7 have to sit here and defend what I worked very, very  
8 hard to achieve in my life.

9 In closing, I urge you to stop -- put a stop to  
10 this nonsense; establish a ventilation standard that  
11 protects health and safety of workers and customers  
12 and let us all live and let live as neighbours in our  
13 community and exercise our freedom of choice that  
14 we've always had and should always have in Canada.

15 Thank you.

16 THE CHAIRPERSON: Thank you. Mr. Gene Engleson? Oh,  
17 sorry, Ms.

18  
19 PRESENTATION BY MS. JEAN ENGLESON:

20  
21 MS. ENGLESON: Good afternoon. My name is Jean Engleson  
22 and I'm here representing myself and as an employee in  
23 a smoke-free building.

24 For about the last 12 years I have been fortunate  
25 enough to work in various facilities that do not allow  
26 smoking anywhere in their buildings. This single  
27 factor, along with being a non-smoker, has conditioned  
28 me to accept this type of environment as being normal  
29 and for that I am very grateful.

30 It has not always been like that though. I  
31 remember when I first started working in hospitals, as  
32 a Lab Technician, it was not uncommon for me to go up  
33 in the wards looking for a patient only to have to  
34 retrieve them from the smoking room at the end of the  
35 hall. I would hold my breath going in and not take  
36 another until I was back in the hallway. That was the  
37 norm for me 25 years ago. I was young and I didn't  
38 question or even think to question what this type of  
39 exposure might be doing to my health.

40 Up until the beginning of this year, I always  
41 found it a chore to go into a restaurant and make sure  
42 that I was going to be as far away as possible from  
43 the smoking section. Pubs were out of the question.  
44 Participating in those obligatory social functions was  
45 always difficult because of the physical discomfort  
46 that started after being in a smoky room for about  
47 half an hour.

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1           The hospitality industry's response to my problem  
2 is just don't go out. I guess that means that all the  
3 restaurants and pubs can service the 28 per cent of  
4 smokers we have here and the rest of us who don't like  
5 it don't have to go to them. Well, thank goodness,  
6 there has been a number of places in Prince George  
7 that have decided to remain smoke-free since the ban  
8 was lifted. From my random visits to these places, I  
9 would say that their decision to stay smoke-free has  
10 not harmed them at all. Business is good. And these  
11 are not just fast food type places either.

12           Because the majority of my day, both at home and  
13 at work, is spent in a smoke-free environment and this  
14 is now my norm, I haven't always given as much  
15 consideration as I should to those people who do not  
16 have the luxury of a smoke-free environment. The City  
17 of Prince George is fortunate in that it has a clean-  
18 air bylaw protecting workers from second-hand smoke in  
19 their workplace, but the City Councillors at the time  
20 didn't have the guts to ensure clean air for all  
21 workers. They left the hospitality sites exempt from  
22 this bylaw. It was easier for them to avoid potential  
23 conflict than it was to provide a healthier  
24 environment for the people who worked in these places.  
25 They wanted someone else to come along and be the bad  
26 guy. Now, thanks to WCB, the workers at these  
27 restaurants, bars, bingo halls, et cetera, will have  
28 an opportunity, as well, to have their health  
29 protected and to develop new norms in how they view  
30 their environments.

31           We had a short taste of smoke-free restaurants  
32 and pubs at the beginning of this year and now, after  
33 conversations with some of the people who work in  
34 these places, my gut feeling tells me that if a poll  
35 was done with the employees and they didn't have to  
36 worry about repercussions from their employers a good  
37 number would want their work sites to go back to non-  
38 smoking.

39           A concern of mine about these employees, too, is  
40 that the majority are young people. The hospitality  
41 industry responds to them by saying if they don't like  
42 it, and that being the smoky work sites, they can go  
43 get a job somewhere else. That doesn't exactly sound  
44 like someone who has their best interests at heart and  
45 jobs are not always easy to get. These young people  
46 are students or young parents that take these jobs  
47 because schedules can work around their other

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1 obligations.

2 As I said previously, when I was young I never  
3 thought to question my rights to a health environment.  
4 It's only now that wisdom, maturity and having seen  
5 the difference a smoke-free environment can make that  
6 I understand this. Someone has to speak up for our  
7 young people who work in these smoky under-appreciated  
8 jobs. I say thank you to the WCB for taking on that  
9 role and trying to stick by it. In time, when all  
10 this is over and behind us, another generation will  
11 grow up thinking that smoke-free restaurants and bars  
12 are the norm. For all of us the norm will be not only  
13 smoke-free workplaces but totally smoke-free indoor  
14 spaces. The time will come when we won't even  
15 remember when all this took place or what it was like  
16 to think otherwise.

17 My support goes to the Workers' Compensation  
18 Board and the proposed regulations. You are playing a  
19 major role in protecting all employees of British  
20 Columbia. Thank you.

21 THE CHAIRPERSON: Thank you. Dr. Lorna Mead? I understand  
22 you're speaking for Lorraine Grant.

23 DR. MEAD: Yes, Madam Chairman. Lorraine Grant, the Chair  
24 of the Regional Health Board is unable to join us.  
25 She's in Ottawa today and so I'll speak on her behalf.  
26 I have a written submission, but if you don't mind  
27 I'll speak from it and then give it to you.

28 THE CHAIRPERSON: Thank you.

29 DR. MEAD: May I go ahead?

30 THE CHAIRPERSON: When you're ready, yes.

31 DR. MEAD: Thanks.

32  
33 PRESENTATION BY DR. LORNA MEAD, ON BEHALF OF THE NORTHERN  
34 INTERIOR REGIONAL HEALTH BOARD:

35  
36 DR. MEAD: In speaking on behalf of the Regional Health  
37 Board, I want to point out the co-responsibility for  
38 the Health Board is the health of the citizens  
39 throughout this region and a great deal of time and  
40 effort and cost goes into addressing the health  
41 concerns of the people in this region. And we know  
42 from a recent McLean's article, which we have  
43 criticized roundly publicly, but we do rate 50th out  
44 of 50 in a recent survey that was released by McLean's  
45 and that was not so much the health service that the  
46 McLean' indicators addressed, but it was the health of  
47 the population.

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1           Now, we know that there are a number of reasons  
2 for northern populations to experience a greater  
3 burden of illness than those in the south, including  
4 the social determinants of health, those very powerful  
5 influences that include education, income, employment  
6 and early childhood experience.

7           One of the things that emanates from those  
8 determinants is the amount of tobacco use that goes on  
9 in a population and it will come as no surprise to  
10 this group that the rates of smoking in the north are  
11 higher than in the south and the impact of tobacco-  
12 related diseases is accordingly larger so just a  
13 couple of numbers to help you fill in some of the gaps  
14 in the picture.

15           In the Northern Interior Health Region, the  
16 numbers or the percentage of people over the age of 12  
17 who smoke is 28 per cent. When you compare that to  
18 B.C., which is 23 per cent, that puts us 18th out of  
19 20 health regions. Similarly, with respect to  
20 exposure to environmental tobacco smoke, 26 per cent  
21 of people in the Northern Interior Health Region  
22 compared to 18 per cent in all over British Columbia  
23 ranking us at 15th. In an earlier study that was  
24 national in scope, we found that in 36 per cent of  
25 homes in the Prince George region there were children  
26 exposed to smoke, which is very high and preventable.

27           So we then know that any of the diseases that are  
28 well recognized as related to tobacco, such as lung  
29 cancer, chronic obstructive lung disease, cardio-  
30 vascular disease and heart attacks, that we fare  
31 poorly and it's not a straight-line connection between  
32 tobacco use and mortality, but there's no question  
33 that they are related and they are significantly  
34 related.

35           The Regional Health Board has, therefore, taken  
36 some of these statistics and used them as a call for  
37 action and we are building a program that addresses  
38 the use of tobacco within the Regional Health Board.  
39 In addition to the work we're doing with the  
40 population, the Regional Health Board is in the  
41 process of -- was to have enacted yesterday a very  
42 strong Board policy which would prevent smoking in any  
43 of the facilities across the region; is looking at and  
44 we are in the stages of developing now a cessation  
45 program for the employees of the region across the  
46 region. And we are also developing and putting in  
47 place a smoke-free-homes program, which is initially

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1 now geared to young families where moms are coming  
2 home with new babies, particularly, and where the  
3 Public Health Nurse has an opportunity to immediately  
4 speak to the parents, see if anyone smokes in the  
5 home, offer counselling and assistance towards  
6 cessation if the person is willing to do that, but  
7 emphasizing, if they are not, the importance of not  
8 smoking around the child, the new child or children.

9 So we have worked hard in putting together a  
10 program to address the impact of tobacco within the  
11 Regional Health Board, but we need to go much further.  
12 And we rely heavily on the WCB Regulation to assist us  
13 in the task and we supported it very strongly prior to  
14 the time that it was struck down and we intend to  
15 support it very strongly again. We also recognize  
16 that there is a need for municipal bylaws and we will  
17 abdicating for changes to our municipal bylaws to  
18 strengthen them to make all public places smoke-free  
19 so that volunteers will be protected as well as  
20 workers.

21 Now, we've just had in Prince George a little bit  
22 of media attention given to an individual who is  
23 claiming that the evidence that ETS was damaging was  
24 in question. And I doubt that I need to review this  
25 for you. I will just very briefly touch on the fact  
26 that there are large amounts of very high quality  
27 evidence that have most recently come from the  
28 National Institutes of Health and the National Cancer  
29 Institute in the United States. And the Heart and  
30 Stroke Foundation for British Columbia has recently  
31 compiled a substantial bibliography of well  
32 documented, rigorously carried out scientific studies  
33 that demonstrate that environmental tobacco smoke is  
34 linked and probably causally linked to lung cancer and  
35 heart disease and is associated with asthma, breast  
36 cancer, pancreatic cancer, nasal sinus cancer and  
37 sudden-infant-death-syndrome, among a whole litany of  
38 others that is sufficiently well documented that I  
39 will not bore you with further. I wish merely to  
40 impress upon the group that I feel that the evidence  
41 is very solid and will stand up to any kind of  
42 questioning.

43 Now, I wanted to speak very briefly to the  
44 economics of going smoke-free. There has been an  
45 argument from opponents of the regulation that if this  
46 is imposed on the hospitality venues that bankruptcy  
47 or substantial business loss will be the outcome. And

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1 we know from our experience here that after the  
2 regulation was struck down, and this was not easy  
3 country to get this regulation in place, but people  
4 did comply and when the reg was struck down we had  
5 over 100 venues that remained smoke-free because they  
6 liked it, their workers liked it and the customers  
7 liked it. And we anticipate that we will be able to  
8 broaden that support when the regulation goes back  
9 into place.

10 I want to speak, also, about what's happened in  
11 Victoria, because I think that's instructive. We have  
12 a great deal of evidence from the United States that  
13 says very clearly, looking at over 90 communities  
14 across urban and rural, across hot climate to cold  
15 climate, that when a smoke-free policy or a regulation  
16 is put in place that the economic impact is at worst  
17 neutral, it is not negative, and in many cases there's  
18 been an increase in sales.

19 Victoria's experience has borne that out. A  
20 recent Angus Reed Poll shows that public approval for  
21 the bylaw has risen over the past year that it's been  
22 in place by 10 per cent to 77 per cent. And in a  
23 year-to-year comparison of liquor sales, the bars and  
24 restaurants posted a 4.5 and 1.2 per cent increase in  
25 business over that timeframe. Whereas in Nanaimo,  
26 with no bylaw, over the same period of 1998/99, there  
27 was a drop in liquor sales of 5.5 per cent for pubs  
28 and 10.3 per cent in restaurants. I think it's very  
29 clear, then, from local experience, that we have  
30 nothing to fear on the economic front. The only  
31 business that will be hurt when this regulation comes  
32 into place is the tobacco industry.

33 Finally, just a brief comment about popular  
34 support, to commend the WCB on its efforts and to tell  
35 you again that this is very much needed. We know that  
36 75 per cent of the people, 70 to 75 per cent of people  
37 in the north don't smoke; 74 per cent include making  
38 all workplaces smoke-free, including a huge proportion  
39 of the smokers themselves; and a large proportion, 73  
40 per cent, who disagree strongly with the idea that  
41 smokers have the right to choose where they wish to  
42 smoke. Nobody wants to hurt another person and I  
43 don't believe that smokers would intentionally hurt  
44 others if they understood what environmental tobacco  
45 smoke did. There is also a large majority, 89 per  
46 cent in British Columbia, who believe that employers  
47 have a responsibility to address the impact of

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1 environmental tobacco smoke.

2 So the Regional Health Board sees tobacco  
3 reduction as one of the most important keys to  
4 improving the health of our residents and we will  
5 carry on with the aspects of the strategy that I noted  
6 earlier. We do rely very heavily on the actions of  
7 the WCB in this regard, though, and we strongly  
8 support and will continue to support the actions that  
9 you take. Thank you.

10 THE CHAIRPERSON: Thank you. Ronnie Mullenberg? Mr.  
11 Graham Holmes? Good afternoon.

12 MR. HOLMES: Good afternoon and thank you.

13  
14 PRESENTATION BY MR. GRAHAM HOLMES, ON BEHALF B.C. AND YUKON  
15 HOTELS ASSOCIATION:

16  
17 MR. HOLMES: Good afternoon and thank you for the  
18 opportunity to address this Panel. I'm here this  
19 afternoon on behalf of the B.C. and Yukon Hotels  
20 Association and I represent this zone as a Director  
21 and I guess the essence of my speech is the truth  
22 about ETS science.

23 And as we proved earlier in the week in Richmond,  
24 there is, contrary to what you would have the public  
25 believe, a great deal of scepticism in the scientific  
26 community regarding some of the Board's officials  
27 claim that ETS is a threat to the health of non-  
28 smokers. In spite of this fact, a segment of the  
29 general public believe that ETS constitutes a serious  
30 enough risk to justify a zero-molecule ban, which you  
31 seek to re-institute and the public support is  
32 fundamental to your objective.

33 Without first convincing the public that ETS is a  
34 danger, your effort would be viewed by the majority as  
35 a puritanic social engineering by the Nanny State. It  
36 should be obvious to any intelligent and impartial  
37 individual who examines the matter that this is  
38 predominantly a political war of will being waged by  
39 the public health lobbyists against the plague of  
40 tobacco smoking.

41 Public health lobbyists have been so successful  
42 in demonising ETS that even scientists have been  
43 deceived, as was demonstrated in the survey which was  
44 reported in the Journal of Risk Analysis in 1992. The  
45 survey asked 1461 scientists to give their opinion on  
46 the dangers posed by ETS. The survey was broken into  
47 two groups. Half were told that the substance was ETS

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1 and were given the evidence. Of that group, 33 per  
2 cent opinioned that the hazard posed the substance was  
3 serious and 41 per cent thought the regulation was  
4 appropriate. The scientists in the second group were  
5 given the same evidence but were told the substance  
6 was ETS. Of that group, 70 per cent said that it was  
7 a serious environmental health hazard and 85 per cent  
8 said that background exposure should prompt  
9 regulation.

10 Everyone now accepts that smoking is bad, so it  
11 naturally follows that ETS is bad also. But in order  
12 to get smoking restrictions imposed by governments, a  
13 great battle had to be fought by the anti-smoking  
14 activists to thoroughly convince the public that ETS  
15 was an unacceptable hazard to them. It's time to  
16 consider just how anti-smoking activists have managed  
17 to bamboozle so many people into believing that  
18 everything they say about ETS is an absolute truth and  
19 anything said by anyone who disagrees with them is  
20 propaganda from the tobacco industry.

21 To say the tobacco industry has zero credibility  
22 with the public would probably be an understatement.  
23 They have been caught lying so many times that almost  
24 nobody will listen to a word they say. Therefore, to  
25 be able to convince the public that ETS is a dangerous  
26 substance, all you need to do is insinuate that those  
27 who dare to claim otherwise are quite possibly puppets  
28 of the tobacco industry. And if we can be shown that  
29 somebody has actually accepted money from the industry  
30 for anything at any time, they are automatically  
31 labelled as being without a doubt subservient to the  
32 wishes of the big tobacco. It's called a smear  
33 campaign. And as we will discuss later, anti-smoking  
34 activists have become very good at it.

35 Let's take a quick look at how the anti-smoking  
36 activists smear those who disagree with them in order  
37 to advance their cause. Jeffrey Kabatt knows what  
38 it's like to be on the receiving end of this kind of  
39 McCarthyite program. Kabatt was a member of the  
40 Environmental Protection Agency's Advisory Panel in  
41 1990 when anti-smoking activists called his  
42 objectivity into question, along with six other  
43 scientists. The Associated Press ran a story saying  
44 that six of the seven had ties to the tobacco industry  
45 research group, the Centre for Indoor Air Research,  
46 which is funded mainly by the tobacco companies.

47 Kabatt, who was not affiliated with the Centre

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1 for Indoor Air Research, had been recommended by  
2 Phillip Morris. After the AP story ran, the New York  
3 Times printed an editorial, which basically said that  
4 the seven had no credibility and advised that a new  
5 Panel be selected. Kabatt, who had never taken a dime  
6 from the tobacco companies, said of the incident and I  
7 quote:

8  
9 Painting people in that way reminds you of where  
10 were you, were you ever a member of the Communist  
11 Party? I felt really put on the spot because I  
12 didn't know what to say as a spokesman given  
13 grist to the tobacco lobby's mill. But I also  
14 felt that I had to the ethical obligation not to  
15 let pass that kind of stuff that was going on. I  
16 would guess that some people are chilled and  
17 won't speak up because it's not comfortable and  
18 you don't want to be labelled. It was very  
19 unpleasant for me. In a way, it was a political  
20 game. It wasn't primarily about science.

21  
22 Kabatt's story is just one of many which, when added  
23 up, begin to look very much like some kind of later-  
24 day inquisition.

25 Jacob Sullen is a journalist who writes for  
26 Reason magazine and the author of "For Your Own Good",  
27 the anti-smoking crusade and the tyranny of the public  
28 health. In that book, Sullen tells of his own  
29 persecution at the hands of the inquisitors and I  
30 quote:

31  
32 In 1994 I wrote an off-ed piece for the Wall  
33 Street Journal about a report of second-hand  
34 smoke by the EPA. R.J. Reynolds subsequently  
35 used the article in an ad campaign and paid me  
36 for the reprint rights. This is the only time I  
37 have had any financial dealings with a tobacco  
38 company. I also wrote an article about the press  
39 coverage of second-hand smoke issue, which  
40 appeared in the summer of 1994 issue of Forbes  
41 Media Critic. Phillip Morris reprinted that  
42 article in a series of ads. I did not give the  
43 company permission to do so. Media Critic had  
44 all the rights to the article and I was not paid.  
45 From this information, people who disagree with  
46 me about second-hand smoke and other tobacco  
47 related issues have concluded that I'm part of an

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1 industry-financed conspiracy to undermine the  
2 anti-smoking movement. Stanley Glanced  
3 (phonetic), of the University of California,  
4 researcher and co-founder of "Californians, No  
5 Americans for Non-smoker Rights" calls me a  
6 conservative commentator who has been paid by the  
7 tobacco industry for his views on the EPA and  
8 refers to Mr. Sullen and his tobacco patrons.  
9 John Bounce, Executive Director of Action on  
10 Smoking and Health once appeared on a TV talk  
11 show and said, "We also want to tell the people  
12 out there that you're in the pay of the tobacco  
13 industry."  
14

15 Sullen goes on to tell of a similar attack of two  
16 economists, Gary Becker of the University of Chicago  
17 and Michael Grossman of the City University of New  
18 York, who had written an op-piece for the Wall Street  
19 Journal about tobacco taxes. And I quote:  
20

21 Scott Ballen, then chairman of the Coalition of  
22 Smoking and Health, took issue with the piece and  
23 wrote that it was worth nothing, that Mr. Becker  
24 is a Fellow of the Hoover Institute and that Mr.  
25 Grossman is an associate of the National Bureau  
26 of Economic Research, both of which have received  
27 substantial funding from Phillip Morris. The  
28 substantial funding, it turns out, amounted to  
29 about 0.1 per cent of each organization's budget  
30 and in Ballen's universe it seems that the Hoover  
31 Institute and the National Bureau of Economic  
32 Research are fronts for the tobacco industry.  
33 And the two highly respected scholars, Becker is  
34 a Nobel laureate, Grossman a distinguished  
35 professor at CUNY, are a couple of Phillip Morris  
36 flackey flacks.  
37

38 Of course, that's according to Jacob Sullen who has  
39 accepted money from the tobacco industry and,  
40 consequently, is probably making the whole thing up to  
41 discredit the anti-smoking movement.

42 This is how we feel in the hospitality industry  
43 when all we are doing is defending our rights of our  
44 patrons, trying to make a living, protect our workers'  
45 health and save their jobs. The hunt continues.

46 Here's another example of the smear campaign  
47 that's being employed by the anti-smoking lobby. The

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1 attacks by the anti-tobacco advocates are not confined  
2 to North America, as Dr. Julian Lee, a distinguished  
3 Australian thoracic physician, found out the hard way.  
4 An article published in a 1998 issue of the Australian  
5 Journal, the IPA, the Institute of Public Affairs  
6 Review, tells the story of Dr. Lee and I quote:

7  
8 Dr. Lee took a classical and distinguished path  
9 in his professional life. He has worked 40 years  
10 as a thoracic surgeon starting at the time when  
11 specializing was in its infancy. He played the  
12 professional game, undertaking research, teaching  
13 at public hospitals, getting elected as the New  
14 South Wales president of the AMA and has acted in  
15 various professional roles, both nationally and  
16 internationally. He considers himself first and  
17 foremost to be clinician, not a scientist,  
18 although he fervently believes that public health  
19 and epidemiology are essential to our concerns  
20 about the way in which we use science to improve  
21 the quality of life for everybody.

22  
23 These underlying principles of epidemiology were  
24 important in his work in asbestos-related  
25 disease. He became involved in litigation on  
26 behalf of workers who would bring actions against  
27 their former employers. Lee quickly became aware  
28 that the way scientific information was  
29 necessarily corrupted in Court, due to the  
30 adverse system under which supporting a case and  
31 giving satisfaction to claimants were more  
32 important than any notion of disinterested  
33 objectivity.

34  
35 Through two decades of work as a member of the  
36 Dust Disease Board, his observations of cost  
37 benefit analysis of the U.S. Asbestos Abatement  
38 Act, and similar acts in Australia, background  
39 incidence of the disease, calculations of the  
40 strength of association, confounding factors in  
41 the patient's behavioural characteristics made  
42 him realize that in the process of coming to a  
43 conclusion about cause and effect relationships  
44 was complicated. His concern for the critically  
45 important idea that scientific evidence must be  
46 judged on its merits and should be completely  
47 independent from what hangs on it become more

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1 urgent. As a thoracic physician, with an  
2 interest in smoking issues, he was invited to  
3 give evidence at a highly publicized case in  
4 Western Australia involving the Birdsworth Casino  
5 and the issue of passive smoking. Soon after he  
6 made an independent submission to the National  
7 Health and Medical Research Council inquiry into  
8 passive smoking. It was from this point on that  
9 things became a bit rough. Covert pressure was  
10 applied to squeeze Lee out of the AMA. First, a  
11 Dr. Keith Bullard, President of the Federal AMA  
12 and then chairman of its Policy and Ethics  
13 Committee, produced a new policy document on the  
14 disclosure of sponsorship by tobacco companies.  
15 It states:

16  
17 If a doctor has accepted funding from a  
18 tobacco company, then it is mandatory that  
19 both the amount and the precise source of  
20 funding are detailed in the preamble to any  
21 presentation of material developed as a  
22 result of that funding.  
23

24 Then, Bullard attempted to have Lee disciplined  
25 by the Ethics Committee and to oppose his  
26 nomination to the Roll of Fellows. The following  
27 year a well-briefed visiting American Professor  
28 of Medicine, Stan Glanced, brought out from the  
29 National Heart Foundation, was interviewed by ABC  
30 radio. Glanced attacked Lee for defamatory  
31 statements and called for his resignation as  
32 state president of the AMA. He said Lee had no  
33 business heading a health organization and was  
34 appalled at his work on passive smoking. He  
35 accused him of aiding and abetting efforts to  
36 kill people.  
37

38 After the attack the Federal AMA received written  
39 complaints from large and prominent health  
40 organizations, including the National Heart  
41 Foundation, which directly or indirectly called  
42 for Lee's resignation. Bullard added publicly  
43 that the AMA was uncomfortable with Lee's work  
44 for the tobacco industry. Efforts were made to  
45 push Lee out of the Thoracic Society and a  
46 deliberately planned confrontation took place in  
47 a scientific meeting of the society in October of

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1 1995. Simon Chapman, Associate Professor in the  
2 Department of Community Medicine at the  
3 University of Sidney, a self-starter publicist  
4 for the NH&MRC Working Party on this inquiry and  
5 others, attacked him at the meeting. The paper  
6 delivered by Chapman could have been a page out  
7 of the inquisition held in Rome in 1616 attacking  
8 Galileo. The entire diatribe was concerned with  
9 discrediting Lee and those involved in his  
10 report. At no point did Chapman address the  
11 merits of the scientific evidence.  
12

13 It should be noted that Lee has publicly  
14 supported smoke-free workplaces and vigorously  
15 condemned the tobacco industry. Lee apparently  
16 crossed the line when he stated to achieve a  
17 smoke free society it isn't necessarily to  
18 involved junk science.  
19

20 The question is thus: Does everybody who disagrees  
21 with public health lobbyists and the anti-tobacco  
22 activists automatically become a lackey for the  
23 tobacco industry? At the risk of belabouring a point,  
24 we'd like to give you one more example of this problem  
25 to point out how vicious and petty the inquisitors  
26 have become. The reasoning behind the supporting  
27 tactic is clear. It not only aims to limit debate to  
28 one side but also sends a clear message to anybody who  
29 would dare oppose the anti-tobacco movement. If you  
30 speak up, you will be instantly discredited and you  
31 would never work in this business again. And if you  
32 are a scientist who has been tied to tobacco  
33 companies, and thus smeared, you may end up, after  
34 years of devoting your life in the pursuit of science,  
35 you may well end up standing in a drive-thru-window  
36 asking "Do you want fries with that?" Who would put  
37 themself through that kind of nightmare? Once  
38 scientists have been scared off from debating the  
39 scientific merits of the evidence on ETS, there's  
40 almost nobody left to argue that smoking bans are  
41 unwarranted. You've got better odds of winning the  
42 lottery. Actually, you've got better odds of winning  
43 the lottery twice in a row than you have of finding  
44 dedicated, talented, social activists who are going to  
45 voluntarily do work that is somehow going to benefit  
46 big tobacco.

47 In the end, the only opposition left to the

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1 public health lobbyist in this propaganda war over ETS  
2 is a small but resourceful band of hospitality  
3 industry officials. In the end, the public, the  
4 majority of which are non-smokers who already find  
5 tobacco smoke annoying and repugnant, end up convinced  
6 that ETS is seriously harmful and the public health  
7 lobbyists are one step closer to their dream of a  
8 smoke-free world.

9 I thank you for your time and I hope that you  
10 will certainly give all the presentations that you  
11 hear very careful consideration and do what I guess  
12 you feel is the right for the benefit of all citizens  
13 in Prince George and B.C. Thank you.

14 THE CHAIRPERSON: Thank you. Ms. Carla Gable? You're  
15 presenting for Ronnie Mullenberg, is that right?

16 MS. GABLE: I am, yes. She's at work so she couldn't come.  
17

18 PRESENTATION BY MS. CARLA GABLE:  
19

20 MS. GABLE: Hi, my name is Carla Gable and I work at the  
21 Tabor Arms Pub. This is Trish and Tanya. We're all  
22 waitresses there. And, although myself, I am a non-  
23 smoker, the smoking ban was devastating to the  
24 business in the pub as most of our -- you know, 95 per  
25 cent of our customers smoke and were quite upset at  
26 us, blaming us for, you know, asking them to put out  
27 their cigarettes, for making them go outside, you  
28 know, saying, you know, freedom of choice and they're  
29 basically saying that we were telling them not to --  
30 to not smoke. You know, five o'clock on a Thursday  
31 afternoon normally the place is full and we were, you  
32 know, there'd be maybe three people in there.

33 Trish especially, I think, got the worst end of  
34 the deal. She was working maybe one shift in two  
35 weeks as opposed to four or five a week just because  
36 there was no one in there. We cut our staff back. We  
37 only had one bartender, who would bartend and  
38 waitress, on at a time when normally we'd have two  
39 waitresses and a bartender just because there was  
40 absolutely no one in there.

41 And the non-smokers, I don't know where they all  
42 were but they certainly weren't in there. So  
43 definitely the air was very clean because there was  
44 absolutely no one in the pub, no one to smoke or to  
45 not smoke so, you know.

46 I just feel that a compromise might be a better  
47 solution, you know. We'd like to keep our jobs. We

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1 really enjoy our jobs and it's pretty hard to serve  
2 people when there is no one there. And ventilation  
3 seems, you know, like a compromisable solution. From  
4 what I know, it can clean the air out fairly well and,  
5 yeah -- anything you'd like to add?

6 Yeah. I might -- a suggestion from some of the  
7 other employees was why not have, you know, a certain  
8 designated non-smoking pub. I don't know if that  
9 would work where, you know, the non-smokers could go  
10 to one certain pub and the smokers can feel free to go  
11 any other place.

12 Also in a pub, everyone, the patrons as well as  
13 the staff, has to be 19 years of age to work there or  
14 to enter in and I feel that 19, I mean, you're old  
15 enough to vote at 18, why should you not be able to  
16 make your own choices of whether you want this  
17 establishment or not? You know, you should be able to  
18 make your own choices by 19 I would hope. And that's  
19 all I have to say. Thank you.

20 THE CHAIRPERSON: Thank you. Mr. Jim Gibb? Good  
21 afternoon.

22 MR. GIBB: Thank you. To begin with I have a written  
23 submission from the Hart Hotel in Pouce Coupe that  
24 they've asked me to deliver to you people for your  
25 perusal. I can give it to you at this time.

26 THE CHAIRPERSON: Sure. Thank you.

27  
28 PRESENTATION BY MR. JIM GIBB, ON BEHALF OF THE DAWSON  
29 HOTEL:  
30

31 MR. GIBB: Mr. Chairman, Members of the Panel, my name is  
32 Jim Gibb. I operate and am the owner of the Dawson  
33 Hotel in Dawson Creek, British Columbia. Maybe at  
34 this time I might say that I'm a bit angry. It's used  
35 a whole day of my time to come down from Dawson Creek.  
36 By the time I get back it's a day lost. The Workmens'  
37 Compensation say they're going to have consultation in  
38 and about the smoking bylaw with the people of British  
39 Columbia and you have four meetings. Four meetings in  
40 the province and this is the closest to the North.  
41 What happens to the people in Fort Nelson? What  
42 happens to the people further there if they can't come  
43 and they lose out? And if they're going to -- I'm  
44 just angry. I think it could be done a lot of  
45 better. I think there could have been more meetings  
46 closer to the source. You go across the mountains,  
47 it's still British Columbia at this time, although

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1 many people from the Lower Mainland do not think it is  
2 and this is one prime example. There should have been  
3 a meeting up there where more people could have come  
4 out and represented that area because it's a totally  
5 different economic area than any other place in the  
6 province and we have the Alberta border to contend  
7 with. But I just wanted to get that out.

8 The other thing that bothers me is I was talking  
9 to the liquor inspector the day before yesterday. He  
10 says he has information and literature from his people  
11 stating and giving his orders how to handle the no-  
12 smoking situation in a hotel. That is that the  
13 smoking rooms have to be visible, using plexi-glass or  
14 whatever, so they can go in and see what is happening  
15 in there without entering into the -- without entering  
16 into that particular room. And they have a -- what do  
17 you call -- an exception, that if there is a problem  
18 in there that they could go in briefly and address it.

19 Now, you know, if they're getting that  
20 information from their people, surely to God their  
21 people, you know, in the hierarchy is getting it from  
22 the Workmens' Compensation. So is a decision already  
23 made? Are we going through this may-hay for nothing?  
24 You know, it just doesn't sound right.

25 The other thing is one of my colleagues in  
26 another hotel dropped a letter off that he got from  
27 the Workmen's' Compensation assessing him a \$3500 --  
28 it's called reckless -- it's an administrative penalty  
29 for reckless disregard for the Workmen's' Compensation  
30 man that went in while the three months was on. You  
31 know, there's no penalty, but I guess they're going to  
32 come in with these so to me it looks like the war is  
33 still on. I just -- I wanted to put that on the  
34 table, you know, for you people because it doesn't  
35 look good.

36 My hotel in Dawson Creek is a hotel that rents  
37 rooms and operates an "A" pub and leases its food  
38 facilities to a third party. It is a property that  
39 represents all my life savings and represents a  
40 livelihood for my family, myself and also my staff and  
41 their families. It also provides substantial revenue  
42 to the various government areas, probably more than  
43 the families are going to get. Competition with our  
44 Alberta counterparts is strong as across the border  
45 there is no sales tax and far superior operating  
46 hours. And with the WCB no-smoking ban, there was a  
47 large transfer of business to the Alberta side from

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1 British Columbia in our industry. And if it is re-  
2 instituted it will certainly resume.

3 There was an inaugural run of two to three buses  
4 per day taking people to Grand Prairie and Beaver  
5 Lodge away from Dawson Creek. Dawson Creek is  
6 possibly in the worst location, you know, of any other  
7 town in British Columbia as to border access. The  
8 competition is great. Again, we lose the competition  
9 from the oil patch, which is an eight to nine month  
10 revenue source for us. They're now stopping on the  
11 other side of the border and they're staying there and  
12 they're driving into British Columbia and doing their  
13 work during the day and driving home to Alberta at  
14 night. And that's quite a source that is gone.

15 During the three-month period, this is January to  
16 March, even though we did not comply, my hotel did not  
17 comply with the regulation, we still had a drop of 40  
18 per cent in the pub. We closed our coffee shop,  
19 laying-off six employees. It created great stress and  
20 uncertainty for our remaining employees, which just  
21 wasn't right. The WCB promotion and invitation to use  
22 the snitch line provided by WCB -- and it was promoted  
23 -- created great division and animosity between the  
24 hotel operators.

25 It is interesting to note that the last time the  
26 method and promotion of a snitch line on this latitude  
27 was used was done by the Nazi's during the Second  
28 World War. It hasn't been done to that extent at any  
29 time since.

30 Again, in this three-month period during the  
31 smoking ban, there were 29 hospitality jobs lost in  
32 the Dawson Creek area which was devastating to the  
33 involved employees and their families and most of  
34 these families are supported by single mothers.

35 The social aspect of people's lives also took a  
36 heavy toll. As activities such as the dart leagues,  
37 the pool leagues and the bowling leagues had a heavy  
38 loss of participants and would be felt more severely  
39 in the fall if this smoking ban is in. If such a no  
40 smoking law is in force, it is indicated that there  
41 will be 50 per cent or more drop in the fall leagues.  
42 The people just won't sign up. They'll find other  
43 things to do.

44 In short, the implication of a sudden and severe  
45 no-smoking law will change the pattern of people's  
46 social habits in which they will purchase their liquor  
47 products from the Government Liquor Store, buy their

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1 cigarettes and go home and consume their product and  
2 watch TV. Thus it will create the following. It will  
3 subject the children in the home to cigarettes and  
4 alcohol. It sets a very poor example and certainly  
5 entices them to partake in the habit down the road. It  
6 will create an increase in domestic fights and  
7 disagreements. This certainly will tax the services  
8 of our police. There will be an increase in the home  
9 or house parties, which are usually uncontrolled again  
10 and it will require more services of the police. And  
11 what happens here with house parties, they don't have  
12 a bartender there telling somebody not to get in the  
13 car to drive; you don't have somebody there saying,  
14 "Hey, let's settle it down a little bit," you know,  
15 it's chaos. And these are going to increase because  
16 the people can smoke; they can have some freedom.

17 We make these observations in the part of the  
18 province where 70 per cent or more are tobacco users  
19 as compared to the south part of the province where  
20 the use of tobacco is substantially less and that is a  
21 reliable percentage of people that do smoke.

22 This also creates new and unfair duties to the  
23 staff and management of the hotel in which they become  
24 the WCB police. This puts them in a very dangerous  
25 position and is unenforceable by the licensee. And so  
26 much for the WCB in protecting the employees. I mean,  
27 you know, these people come in, they're construction  
28 workers or oil patch workers. These people are 270,  
29 300 pounds. They want their cigarette; they want  
30 their beer and nobody is going to tell them they can't  
31 have it. And you don't see anybody from the  
32 Workmen's' Compensation Board there helping at that  
33 particular time and the police are not going to have  
34 anything to do with it. What you have to do is phone  
35 and then use another area of the liquor board that  
36 they have to leave the premises. Business is such  
37 that you should not let that happen.

38 Is not WCB created to be an accident insurance  
39 policy or a system for the employees and is to act as  
40 a prevention agent against such accidents? It was  
41 never intended, in the wildest dreams of the  
42 bureaucrats or government, to influence the lifestyles  
43 of the population, which this does.

44 In pure history, the nicotine was introduced to  
45 France from Spain in 1559 by Jean Nicot and was  
46 introduced to England in 1585 by Sir Frances Drake.  
47 Pipe smoking was introduced by Sir Walter Raleigh to

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1 the Elizabethan courtiers and became an article of  
2 luxury and spread throughout the world. So society is  
3 confronted with 500 years of tradition and addiction  
4 and today the WCB, with its social engineers, want to  
5 change 500 years of tradition overnight. It won't  
6 work. This is not feasible. It is not fair and  
7 cannot be dealt with in black and white.

8 The WCB bureaucrats' positions are not subject to  
9 scrutiny and accountability, as in elections, for  
10 maintaining a profitable business, which pays  
11 employees' wages. But the WCB staff will always  
12 receive their generous wages regardless of whether the  
13 industries and staff are put on the unemployment line.

14 So let us take this opportunity by both sides to  
15 let the world know that we are truly a civil and  
16 caring society. Let us take the time to work out a  
17 compromise that may involve a ventilation system to  
18 improve the air quality. Surely to God, in this day  
19 and age, with the technology that is available, we can  
20 find or develop an affordable system that will work  
21 and also save our freedom of choice in a free society.  
22 What is the hurry? Give us time. Save us and our  
23 employees from economic ruin. Let's take some time to  
24 develop it. It doesn't have to go in overnight. Give  
25 us 18 months and develop the type of air that we need.

26 At this time, I want to read to you a letter from  
27 one of my most valued and experienced employees. She's  
28 been -- has in excess of 20 years in the industry and  
29 this is a note she wrote and asked me to read it to  
30 you. Now, this girl has -- her family are grown up  
31 and self-employed but she still is working. She's a  
32 wage earner, she's a mortgage payer and this is what  
33 she says:

34  
35 If the WCB goes through with the non-smoking  
36 issue, I will be unemployed and unemployable. I  
37 have spent my entire adult life as a bartender.  
38 Is the WCB going to pay to have me retrained for  
39 another job? Are they going to pay my mortgage?  
40 I am a smoker. Am I ever going to be able to go  
41 to the WCB for a lung ailment? Not likely. So  
42 please don't say you are protecting me. You are  
43 destroying my life.

44  
45 And this is signed by Wendy Natka, a bartender -- my  
46 head bartender at the Dawson Hotel.

47 I have another letter from the lessee that runs

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1 my restaurant. They took it over as of 18th of April  
2 this year:  
3

4 My husband and I took over the coffee shop  
5 located in the Dawson Hotel on the 18th day of  
6 April, 2000. We have allotted two tables for  
7 non-smoking patrons but they are very seldom  
8 occupied as the majority of our customers are  
9 smokers. The people we employ are smokers. We  
10 are seniors who have invested our life savings in  
11 the coffee shop. Even the two tables we must  
12 have for non-smokers is asinine. It is like  
13 putting a piece of tape on the floor and saying  
14 don't cross over as the smoke stops here. People  
15 have a right to choose for themselves whether  
16 they want to smoke or not. We employ up to five  
17 people who would be unemployed if the non-smoking  
18 law is enforced. We would be insolvent and a lot  
19 of people who are allowed to charge their meals  
20 would be hungry as we would have no choice; we  
21 would have to close the doors. There are few  
22 non-smoking restaurants in Dawson Creek so why  
23 can there not be a few smoking restaurants in  
24 Dawson Creek? If the bylaw is passed in favour  
25 of non-smoking, it will create a hardship for  
26 very many and repercussions will be unbelievable.  
27

28 And that's signed by the lessees.

29 The system that, if we can work together and give  
30 us time, it's not going to be done overnight, if we  
31 could take a year to 18 months and develop a  
32 ventilation -- my God, we can send men to the moon, we  
33 can do other things, surely to God we can develop a  
34 system which is economical which will work if time and  
35 the effort is put into it. Because if this bylaw or  
36 if this is brought back into force, I tell you what  
37 you're going to have. You're going to have people  
38 that's not going to comply. They have no choice. They  
39 either go broke or they do not comply. That's not a  
40 choice for a livelihood.

41 You're going to have -- the lawyers are going to  
42 be very wealthy. There's going to be court  
43 challenges. There's going to be much time spent in  
44 Court. We're going to split the population and for  
45 the sake of a few months or a year, year-and-a-half  
46 where we can develop a system that will work.

47 That's all I have to say, thank you.

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1 THE CHAIRPERSON: Thank you. Mr. David Nowell? Noel, Mr.

2 David Noel? Terrie Menard? Good afternoon.

3 MS. MENARD: Good afternoon.

4  
5 PRESENTATION BY MS. TERRIE MENARD:

6  
7 MS. MENARD: I was asked to come down today in support of  
8 all of us who work and all of us who smoke. My name  
9 is Terrie Menard. I work at the Husky Truck Stop and  
10 I am a waitress.

11 I chose this job because I enjoy working with the  
12 public and, yes, I do smoke and I serve people who  
13 smoke. That is the choice that I made. There are  
14 establishments in town who are non-smoking and I have  
15 friends who don't smoke, so when I meet them for  
16 coffee we meet at a non-smoking restaurant. I have  
17 friends who smoke and when I meet with them for coffee  
18 we go into an establishment that allows us to relax,  
19 have our coffee and our cigarette.

20 Also, the people who come into our restaurant are  
21 there to eat a meal. They're travelling; they're  
22 working; they live in their trucks. They would like a  
23 place where they can go and relax, have something to  
24 eat and enjoy some time with fellow members of the  
25 type of work that they do. Most of them smoke and to  
26 take that away is taking away their rights. It's  
27 taking away my rights of what I chose to do with my  
28 personal life, too.

29 When you guys put in the non-smoking, you put the  
30 onus on us, the waitresses. We became the bad guys.  
31 You have no idea how we were treated by the public and  
32 I feel even more for the girls that work in the bars,  
33 because the people I put up with aren't drunk. They're  
34 not drinking and I know what a lot of people are like  
35 when they have been drinking and they become angry.  
36 And for me, the general public, they took it out on  
37 me. It was my fault, because I can't serve them. They  
38 light up a cigarette, I have to ask them to leave.  
39 They all think that I am a non-smoker, that I am a  
40 snitch, that I am stabbing them in the back. And I  
41 tried to explain to them I smoke, if it was my choice,  
42 there would be an ashtray on this table and you could  
43 smoke while you have your coffee.

44 You cannot take our rights away. There are  
45 places for everyone. Places for the non-smokers;  
46 there should be places for the smokers and it should  
47 be our choice as to where we're going to go and eat,

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1 where we're going to go and drink and what we're going  
2 to do when we get there. We should have the right to  
3 make that choice. The business people should have the  
4 right to make the choice if their establishment is  
5 going to be smoking or non-smoking. Thank you.

6 THE CHAIRPERSON: Thank you. Ms. Brenda Storzuk?

7  
8 PRESENTATION BY MS. BRENDA STORZUK:

9 Hi, my name is Brenda Storzuk. I'm here on behalf of  
10 myself. I'm a single mom and I work at the casino. I  
11 chose to work at the casino because I enjoy the  
12 flexibility of the hours and I enjoy the work. I like  
13 working with the people.

14 The smoking situation, I accepted it in the  
15 beginning because it was the way the environment was.  
16 But when the ban on the non-smoking came on it was  
17 really nice, I realized what it was like to work in an  
18 environment that was non-smoking, that was free of  
19 smoke. I didn't have patrons blowing smoke in my face  
20 and I didn't smell when I came home from work. I  
21 didn't have to -- my skin didn't feel like it was  
22 dripping from the tobacco smoke and whatnot, but there  
23 was a measurable decrease in the amount of people that  
24 came into the casino, that came into the place of work  
25 and we noticed there was lots of people that were sent  
26 home early or cut back from the schedule and stuff.

27 When the ban was lifted the people came back  
28 basically in droves. It was the very next day or that  
29 afternoon they came back. You know, on one hand it  
30 was really nice to see them back but on the other hand  
31 they were kind of smug. They sat there with their  
32 cigarettes and said, "Yeah, I stayed away because --  
33 until I could smoke here and now I'm back," and they  
34 proceeded to blow it back in my face, you know.

35 That's not fair. That's not right because I  
36 don't have that option. Sure, people say, well, you  
37 can go home, you can go work in another environment,  
38 but it allows me the flexibility to spend the maximum  
39 amount of time with my child; it allows me time to do  
40 other things during the day. It allows me freedom of  
41 choosing basically the hours that I want to work. I  
42 feel, as a non-smoker, I have the right not to smoke,  
43 but I also agree with the right of the smokers. They  
44 also have the right to smoke, and I would like to see  
45 -- I think there should be some kind of a compromise  
46 in between the two where I have freedom of movement.  
47 I can go to a bar that -- I can go to any bar in the

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1 City, I can go to any restaurant in the City and I can  
2 be allowed not to smoke. I can have that freedom and  
3 that right for myself for not to be able to smoke.

4 But is it also our right to restrict the  
5 movements of the people who do smoke? Is it our -- do  
6 we have that to take their freedom of choice away from  
7 them for their smoke? Nobody -- if you ask any child  
8 when they're growing up, what do you want to be when  
9 you grow up, they're not going to say I want to be a  
10 smoker. Something somewhere along the line goes --  
11 happens, changes them and they end up smoking, taking  
12 up the habit and addiction somewhere along the way.

13 But I -- I don't know, I like the place that I  
14 work, but I also like the people, because when the  
15 people are there it allows me more freedom of work, it  
16 allows more people working.

17 Anyway, thank you very much for having my say.

18 THE CHAIRPERSON: Thank you. Mr. Mark Hosking?

19  
20 PRESENTATION BY MR. MARK HOSKING, ON BEHALF OF ROCKWELL'S  
21 PUB:  
22

23 MR. HOSKING: My name is Mark Hosking and not only am I a  
24 manager of Rockwell's, I'm also an employee. I'm here  
25 to speak on behalf of Rockwell's Pub and the now  
26 closed Chubby's Restaurant in Dawson Creek.

27 THE CHAIRPERSON: I'm sorry, what's the pub called?  
28 Rockwell's?

29 MR. HOSKING: Rockwell's.

30 In the last prohibition on tobacco, our family  
31 business was hit very hard. We had to actually close  
32 Chubby's Restaurant due to the fact that almost all of  
33 our customers were smokers and would not support our  
34 restaurant if they could not smoke.

35 We, as taxpaying citizens of this province of  
36 British Columbia, were put into a very difficult  
37 position. We were the ones who had to enforce your  
38 regulation. We continuously received harassment from  
39 our regular patrons and prospective new customers  
40 would come in and walk out because we would follow  
41 your regulation. We, as staff, received many types of  
42 verbal abuse. One waitress was actually spat in the  
43 face; another one was so badgered that she ran off the  
44 floor, didn't finish her shift.

45 Where was WCB to protect the people that they are  
46 actually out to protect? Where was WCB to police  
47 this? Because the police won't and can't.

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1           As a new business in B.C., we do not agree with  
2 the regulation but we were strong-armed into following  
3 it. Who in this room in the hospitality industry can  
4 afford the type of fines that the WCB were levying to  
5 our businesses? Let us remember it is not against the  
6 law to smoke in a bar or pub.

7           Contrary to what the lady said earlier that I was  
8 listening to that business has increased, I had a  
9 report handed to me from a news media person stating  
10 that the recent information from Stats Canada reported  
11 that liquor sales in B.C. dropped 18 per cent from the  
12 first quarter of this year to the first quarter of  
13 last year.

14           I am pleased to see that our province, with its  
15 deficit, can afford to lose more revenue, revenue that  
16 we in Dawson Creek saw going to Alberta as it is only  
17 a one-hour drive to Grand Prairie. Our city is very  
18 concerned with the amount of cross-border shopping  
19 already. The lure of a seven per cent less in tax and  
20 being able to have a cigarette, if you wish, while  
21 enjoying a beverage is very inviting.

22           During the last prohibition of tobacco, on our  
23 property alone we had to decrease our payroll \$2,200  
24 per month and our sales dropped on average 14,000 per  
25 month. This forced us to lay off three employees, you  
26 know, human beings with their own financial  
27 commitments to take care of. Also, the remaining  
28 payroll reduced another 98 hours per month.

29           This also resulted in a reduction of what we  
30 collected and sent to the government. We sent the  
31 government \$600 less per month on source deductions.  
32 That's your CPP, your UIC. We sent the government  
33 \$1,000 a month less in GST collected. PST was \$700  
34 less a month that we send in. Our WCB was only \$16  
35 less per month sent in. It's quite noticeable that  
36 the WCB's share of the money we sent to government  
37 agencies was the lowest. The rest of the government  
38 agencies were hit much, much harder.

39           Now, we're only a small business in B.C. When  
40 you add up all the bars and restaurants and pubs in  
41 B.C. that collect money for the government, how much  
42 was lost? Who will make up for this money? Will WCB  
43 pay the government back or will we as taxpayers have  
44 to cover this cost?

45           Over a period of a few days, we distributed a  
46 questionnaire, and I'll hand this in to the Panel  
47 after my presentation. Our first question on that

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1 questionnaire was, are you a smoker. Fifty-seven said  
2 yes, 46 said no, 4 said casual smokers, a total of 107  
3 people. The second question was do you agree with the  
4 WCB's no smoking regulation? Eight said, yes, they  
5 agree with it; 99 said no out of the 107. Our third  
6 question was should a business decide how they  
7 operate? One hundred and seven people said, yes; zero  
8 people said the government should decide. Out of 107  
9 people that were in our pub over those days, eight  
10 said they agreed to a no-smoking regulation but three  
11 out of those eight also said there should be some type  
12 of option. Instead of sending people outside in a  
13 minus 40 degree weather in our winters up North, eight  
14 out of 107, 7.6 per cent. It makes you think.

15 I also have a child to support like some of my  
16 fellow employees. After seeing the business decline  
17 rapidly in January, February and March, how were we  
18 supposed to support our families? I mean, there's  
19 going to be less careers for everyone if this  
20 regulation is re-enacted. Once it was reinstated that  
21 people could smoke, we went right back to normal,  
22 hired people back.

23 Also, my other concern is why are these meetings  
24 only as far north as Prince George? Could it be true,  
25 the rumours, us up North don't count? WCB stated that  
26 their no-smoking regulation would not affect our  
27 industry and might even increase our sales. So I will  
28 ask, will WCB give us a guarantee on that statement  
29 and offer businesses and employees compensation if  
30 that does not come to pass?

31 How about our local community groups, charities  
32 and sports teams? Our industry has always helped  
33 financially with these worthwhile community groups.  
34 This was not possible during the first three months of  
35 this year. I would be deeply saddened if I have to  
36 say no to another group, because I don't have the  
37 money.

38 I have a letter here from the Mile Zero Skating  
39 Club in Dawson Creek, their accountant, stating that  
40 they lost 18 per cent on their bingo receipts from the  
41 bingo hall due to the amount of people that weren't  
42 going. They need that money to pay for their ice  
43 rentals and that's a sports group the smokers help pay  
44 for. I'll hand that in as well, of course.

45 But let us take a further look at the problem at  
46 hand, the employees. What is it that WCB is  
47 protecting us from? Our adult choices? Our very

## Presentations

1 conscious decisions to work in the environment? Or is  
2 it just a simple case of protecting employees from  
3 being adults? After all, you have to be an adult to  
4 work in a pub, at least 19 years old. Or are we  
5 children who can't make a decision for ourselves? If  
6 I don't like dust, do I apply in a grain elevator? No.  
7 If I'm allergic to pollen or I don't like perfumes, do  
8 I apply at a florist's? No. If I don't like dust, I  
9 don't become a bricklayer. If you don't want to work  
10 in a smoking environment don't apply at a bar.

11 But don't take it from me. I would like now to  
12 introduce a fellow employee from Rockwell's with the  
13 same statements from all the staff.

14  
15 PRESENTATION BY MS. DESIREE BOUCHARD:

16  
17 MS. BOUCHARD: I am a 25-year old student and I work part-  
18 time as a bartender and waitress in two of our local  
19 pubs. I work in Elbows and Rockwell's and at the  
20 beginning of this year, when the WCB went into effect  
21 and we were no longer allowed to allow anyone to  
22 smoke, I found myself without a job. What was I going  
23 to do? Who was going to pay for my education so that  
24 I don't have to work in bars any more?

25 I was really excited and relieved when the ban  
26 was lifted and within weeks business was almost back  
27 to usual and everyone was back at our bar again. I  
28 choose to work in a pub and I am fully aware of the  
29 risks that I take while working in such an  
30 establishment. I do share this choice with my fellow  
31 co-workers. However, if this ban is again enforced by  
32 the WCB we will not have the choice of where we want  
33 to work.

34 As a young Canadian, I would like to think that I  
35 have the right to make my own decisions. I'm an adult  
36 and I feel like perhaps the B.C. Government would be  
37 more productive in promoting campaigns that target the  
38 younger generations and stop the smokers there. I  
39 believe that this will affect all of our livelihoods  
40 and all of British Columbia and I have several letters  
41 to submit from other businesses in Dawson Creek:  
42 Boston Pizza, my other co-workers. I also have one  
43 from Tanner's Country Diner and another one from Peace  
44 Villa Hotel to submit to you.

45 Thank you for your time.

46 MR. HOSKING: Thank you very much.

47 THE CHAIRPERSON: Thank you. Mr. Dennis Tuffnell? Good

## Presentations

1           afternoon.

2 MR. TUFFNELL: Good afternoon.

3  
4 PRESENTATION BY MR. DENNIS TUFFNELL, ON BEHALF OF TUFFY'S  
5 HOLDINGS LTD.:  
6

7 MR. TUFFNELL: My name is Dennis Tuffnell. My presentation  
8 won't be quite as detailed as the last presenter, but  
9 it basically will say the same things.

10           I'd just like to give you a little personal  
11 history so you know where I'm coming from and how this  
12 would affect me. I've written this down. I'll just  
13 read it if you don't mind.

14           My name is Dennis Tuffnell. I lease a  
15 neighbourhood pub here in town. I came here in 1963  
16 with \$40 in my pocket. I have two children, one of  
17 whom works for me. I've been at the present location  
18 for 17 years. Last year my business contributed  
19 approximately \$539,000 in operating costs expended to  
20 the economy, most of it was here, including \$262,000  
21 in wages. A lot of that expense will find its way  
22 back to government and tax, plus the provincial  
23 government collected \$65,000 in tax, another 58,000 in  
24 GST from our activities here, plus there was hidden  
25 tax from the products I buy for retail. If there was  
26 ever a time the province needs tax it's now.

27           If smoking is banned in my pub, I will be out of  
28 business in six months or less and with my experience  
29 I think I should know what I'm talking about by now. I  
30 employ 12 to 14 people who will be out of a job and at  
31 55 I will lose everything I've worked for for all my  
32 life and be totally broke. My staff and I know our  
33 customers very well and what their attitudes are and,  
34 trust me, they will stay away in the kinds of numbers  
35 that will not allow us to survive. If anyone thinks  
36 they will be replaced by non-smokers, we know from the  
37 past ban that just does not happen.

38           Further, out of 10 to 12 bar/kitchen staff only  
39 two don't smoke themselves and those two both  
40 adamantly are in favour of smoking because they think  
41 a little second-hand smoke is better than the Welfare  
42 line. One of them is here with me if you'd like to  
43 ask her. My customers and staff are all consenting  
44 adults. Why can't they go where they want and enjoy  
45 whatever legal products they want? Democracy? I don't  
46 think so.

47           To all anti-smokers I would say this, if you've

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1 ever smoked and became addicted you have no idea how  
2 hard it is to stop. Sixty to 70 per cent of my  
3 customers smoke or are with someone who does smoke. If  
4 two people go out, nine out of ten times the one who  
5 smokes will not go to a non-smoking establishment so,  
6 therefore, they tend not to go to places like pubs and  
7 bars and if they do they stay a very short time.

8 I would just like the Board to consider very  
9 carefully what the big picture is and what it will do  
10 to thousands of little people if businesses like mine  
11 are not allowed to survive. So in closing, I implore  
12 you, please don't destroy me. Thank you.

13 THE CHAIRPERSON: Thank you.

14 MR. TUFFNELL: Were there any questions from the Board?

15 THE CHAIRPERSON: No, thank you. Mr. Sam Mangalgi? Good  
16 afternoon.

17 MR. MANGALGI: Good afternoon.

18  
19 PRESENTATION BY MR. SAM MANGALGI, GEORGE DAWSON INN:  
20

21 MR. MANGALGI: My name is Sam Mangalgi. I'm from the  
22 George Dawson Inn in Dawson Creek, British Columbia  
23 and we are about 15 kilometres from the Alberta  
24 border. Our economy depends a lot on the natural --  
25 on the oil and natural gas industry. Most of our  
26 guests in the winter months come from Alberta and the  
27 majority of them smoke. In Dawson Creek about 60 per  
28 cent of the adults smoke. The winters are long and  
29 harsh and the temperatures go down to minus 40 degrees  
30 during the winter months.

31 I find that if you enforce the smoking in my pub  
32 and my lounge we will have to shut our doors as soon  
33 as it starts up again, because when it happened last  
34 time, our business was down 20 per cent. It's not  
35 feasible for us to rely on the non-smokers to come in  
36 and patronize our pub. The fact of the matter is that  
37 smoking and drinking go hand-in-hand and it is not the  
38 responsibility of the waiter or the waitress of my pub  
39 to change the social habits of society. I do not  
40 believe that my staff should be putting their lives in  
41 danger by enforcing the rules to somebody who provides  
42 us with our bread and butter. The customers aren't  
43 very understanding after a couple of drinks.

44 In the restaurant, the customers are  
45 understanding and come in and out of the restaurant in  
46 a short period of time. In the bars, the guests come  
47 and stay for a long period of time. The pubs have

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1       been a social gathering place for smoking and drinking  
2       has gone on for centuries.

3       I think the other thing we have in Dawson Creek  
4       is we are not too far from the Alberta border and what  
5       happens is that if we don't allow the young people to  
6       smoke and drink they go out to Alberta and, you know,  
7       when they come back they'll be a little bit more drunk  
8       and the RCMP will have to do more checking up on the  
9       highway and we may have a major accident.

10       We rely a lot on the oil and gas industry and the  
11       majority of our guests smoke and are from Alberta.  
12       Usually, they have a choice of smoking -- of staying  
13       in Dawson Creek, Hythe, Spirit River or Beaverlodge.  
14       In the last three places they can go out and smoke and  
15       drink in a pub and they tend to stay there. When we  
16       had the ban, we did have two crews check out of the  
17       hotels and we lost about \$120,000 in revenue. The  
18       community itself lost about \$600,000.

19       We have put our life savings in our business and  
20       we may lose most of it, because we have to -- you  
21       know, we'll have to close the pub down pretty soon.  
22       When we had the last ban, our business was down 20 per  
23       cent from the same day -- from the same period from  
24       last year. I don't think I need to instruct my  
25       employees to do something where they, you know, they  
26       get hurt or injured while telling people not to smoke.

27       The biggest problem I have is that we're losing  
28       crews from Alberta and Dawson Creek may become a ghost  
29       town because we rely nine months on the gas and oil  
30       industry.

31       When the ban was in effect, we found a lot of  
32       customers came in to have one drink and then left  
33       without having a few more and usually they'd just come  
34       in and stay for an hour or two. If the WCB brings the  
35       no-smoking ban, I have to close my business. And I  
36       just want to ask is what do I tell my people? They  
37       don't go on Welfare. They don't go on UI, you know.  
38       Where they going to get the jobs? I don't know, you  
39       know.

40       The other thing is we had to drive here five  
41       hours just to come out for a hearing. I think people  
42       up north are forgotten, I don't know.

43       You know, I think let's work to solution and find  
44       out what we can do. Maybe a ventilation system so  
45       then its a little bit easier for us to do our jobs and  
46       make sure we don't lay people off. And that's all.

47       THE CHAIRPERSON: Thank you. Mr. David Noel? Are there

## Presentations

1           any others who wish to speak at this time?   We'll  
2           adjourn until 4:15.

3  
4           --- PROCEEDINGS RECESSED AT 3:20 P.M.

5           --- PROCEEDINGS RESUMED AT 4:15 P.M.

6  
7           THE CHAIRPERSON: Ms. Ethel Wilson? Good afternoon.

8           MS. WILSON: I beg your pardon?

9           THE CHAIRPERSON: Good afternoon.

10          MS. WILSON: Good afternoon, Madam.

11

12          PRESENTATION BY MS. ETHEL WILSON, ON BEHALF OF THE ROYAL  
13          CANADIAN LEGION, BRANCH 43:

14

15          MS. WILSON: Well, to the policy regulators, I suppose I  
16          should address you, of the Development Bureau of WCB,  
17          I have a few words to say to you on behalf of Branch  
18          43 of the Royal Canadian Legion here in Prince George.

19                 The Royal Canadian Legion came into being in 1926  
20          in Winnipeg, Manitoba. The object of the Royal  
21          Canadian Legion is to provide and promote care for  
22          veterans, peacekeepers and their dependants where all  
23          governments fall short. To educate the public  
24          regarding the extreme sacrifice of our service men and  
25          women, the poppy is our symbol of remembrance.

26                 The Branch 43 poppy fund distributes  
27          approximately \$40,000 to \$45,000 yearly to ex-service  
28          personnel and their dependants for health and  
29          maintenance needs. Bursaries are also granted to  
30          students related to ex-service personnel for  
31          furthering their education. Various community  
32          organizations relating to health and fitness receive  
33          financial help through the poppy fund. From our  
34          gaming licence, Branch 43 is able to support the  
35          various cadet and youth groups throughout Prince  
36          George for an approximate yearly total of \$70,000.

37                 As indicated by the aforementioned donations,  
38          Branch 43 is a very community minded organization. We  
39          have approximately 1500 members, many of whom are  
40          dedicated volunteers. Branch 43 is one of 166  
41          branches with over 95,000 members throughout the  
42          Province of British Columbia. The veteran and  
43          community support from this large organization plays a  
44          very important role throughout all communities in  
45          British Columbia.

46                 As a result of the WCB regulation implemented  
47          January 1 of 2000, our branch lost approximately

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1 \$16,000 in sales for the month of January and  
2 February. I remind you we are a not-for-profit  
3 organization, but we cannot afford to go in the hole.  
4 If this is an indication of what our future holds if  
5 this regulation is re-enacted, our organization is in  
6 dire jeopardy of closing its doors. This is of the  
7 utmost concern to our membership as it affects not  
8 only club members but the community as a whole.

9 Specifically, if the Legion in Prince George  
10 ceases to exist the Connaught Youth Centre will also  
11 be at risk. This would directly affect the Army,  
12 Navy, Air Force and Sea Cadets, plus other youth  
13 groups totalling 1200 kids a month times 12, that's  
14 144,000 children a year. Further to that, donations  
15 made to community groups would be impossible causing  
16 hardship for them in many cases.

17 Your recent directive indicates that the smoking  
18 area should not exceed more than 30 per cent of the  
19 total floor area. Also, that this should be an  
20 enclosed non-serviced area with direct ventilation to  
21 the outside. We ask you to provide us with the  
22 specific data regarding acceptable ventilation systems  
23 that meet the required standards as per your Section  
24 4.83(1) and (2).

25 I myself would find it very difficult to ask an  
26 ex-serviceman who smokes and enjoys his beer to butt  
27 out his cigarette under your current legislation.

28 Branch 43 is not just a bar, pub or beer parlour.  
29 We are a club which our members pay an annual fee to  
30 belong to. It is our responsibility to provide them  
31 with an environment that is agreeable to all. With  
32 this in mind, we are not against a smoke-free area.  
33 However, we must also consider the rights of our  
34 smokers, many of whom are veterans. If you can  
35 provide us with a clear directive for a financially  
36 feasible ventilation system, we would be happy to  
37 comply, if we could afford it.

38 On behalf of the members and executive of Branch  
39 43, I would like to stress the concerns we have over a  
40 blanket smoke-free regulation. The rights of  
41 everybody must be considered equally and fairly.

42 I close off my report to the two ladies and two  
43 gentlemen. Thank you for your time.

44 THE CHAIRPERSON: Thank you. Mr. Miro Krstic? Sonja  
45 Domani?  
46  
47

## Presentations

PRESENTATION BY MS. SONJA DOMANI:

1  
2  
3 MS. DOMANI: Thank you. My name is Sonja Domani and I  
4 want to thank you for accepting my name as a late  
5 speaker. I'm rather glad to see less people here,  
6 because I don't think a lot of people would agree with  
7 my opinion.

8 I sat earlier through the earlier -- through the  
9 other presentations and I thought someone should  
10 present a point of view from a social cost. And I  
11 think that when we talk about social costs, we have to  
12 look further and so I sort of scrambled some notes  
13 here and I'd like to say this.

14 I'm also speaking from my experience as a -- I  
15 work for a major union here in Prince George and I've  
16 worked as a health employee for over 26 years. So  
17 anyway, I want to say that 20 years ago, as a young  
18 mother, I was married to a smoker who frequented the  
19 establishments who are protecting the rights to have  
20 smoking. Out of consideration for our young children,  
21 he felt it better to take his smoking habit out to the  
22 pub.

23 A slow progression ensued where he was rarely  
24 home and then I realized that my earnings of \$900 a  
25 month in 1986 were fully supporting these well-  
26 established profitable businesses. I insisted he come  
27 home and as a result his smoking, which was already in  
28 the home, helped contribute to my son developing --  
29 well continuing with chronic croup that developed at  
30 age two and continued till age 14, asthma has now  
31 continued. And within two years, that is in 1988 I  
32 became a single parent. Those health concerns still  
33 remain with my son.

34 Am I angry? Yes, you bet. He is now a full-  
35 fledged alcoholic and in the end stage of alcoholism  
36 at the age of 49. I don't suggest the end of these  
37 businesses, but I would say that having a place to  
38 smoke certainly contributed to the price here and  
39 nobody's talking about those social costs. Those  
40 children don't have a father. He needed a place to  
41 sit from four each evening until nine and smoke his  
42 brains out and that's what he did, as well as drink.

43 When I hear of social costs to smokers now, I  
44 think where did you calculate in the costs like these?  
45 And then I'd like to say as well, when I heard that  
46 these hearings were going to happen and I missed the  
47 deadline, I wanted to talk more about safety issues

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1 that I've learned about through my work as a union  
2 representative. And I wanted to say that over the  
3 centuries we have developed safety procedures, there  
4 have been things put into place. I have -- I worked  
5 in a clerical area and in the early '70s when they  
6 stopped smoking in my area nobody came out and said,  
7 you know, these huge rights. And I want to stand up  
8 for the rights of these people who have to smoke. I  
9 get to work in a smoke-free environment. I'm very  
10 grateful for that. Thank you WCB.

11 I also wanted to say that when -- okay, when we  
12 were mining and when people were going into the mines  
13 a canary was used and a canary saved many lives at its  
14 own risk. If we put a canary in today in smoking  
15 establishments, I think that the humane protective  
16 society for animals would come out in huge droves to  
17 say that we were inflicting cruelty to animals. So  
18 who is speaking up for these workers? And why should  
19 a bird to be subjected to continual cigarette smoke?  
20 Why should human beings be subjected?

21 Recently in the Courts, a decision was made to  
22 allow child pornography, the whole ethical question  
23 about that, surrounding that. My question then was so  
24 whose children are willing to be sacrificed? This man  
25 didn't want his grandchildren's picture on the  
26 television, yet he thought it was perfectly all right  
27 that we subject some children to this. Well, now I  
28 ask you, whose lives should we sacrifice in subjecting  
29 people to second-hand smoke? And, yes, people will  
30 say, well, I have that right, I can work in those  
31 kinds of establishments.

32 But I say to you that I think we should stand up  
33 for everybody and I really urge the Board to continue  
34 this stand. Thank you.

35 THE CHAIRPERSON: Thank you. Is Mr. Miro Krstic here?  
36 Archie Smith, would you like to speak? Good  
37 afternoon.

38 MR. SMITH: Good afternoon.

39  
40 PRESENTATION BY MR. ARCHIE SMITH:

41  
42 MR. SMITH: My name is Archie Smith. I'm one of the  
43 people that is a smoker and I feel that the business  
44 owners should be able to make their own minds up, have  
45 the choice to have a smoking or non-smoking  
46 establishment. I've been going to a certain place for  
47 quite a number of years. I've seen the business drop

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1 off once this smoking regulation came in. It's not  
2 just one or two businesses in town. It's quite a few.

3 And I just -- I really don't see how you guys can  
4 dictate to the business owners that they have to have  
5 a non-smoking establishment. And I don't think  
6 there's any really downright facts that second-hand  
7 smoke causes lung cancer more than the air we're  
8 breathing outside.

9 In dealing with the pulp mills, you've got so  
10 much of a tolerance, out there, level with the toxins  
11 in the air. With the non-smoking, you guys had a zero  
12 tolerance and I can't see how you come with that. And  
13 as far as -- I know a lot of people that feel the same  
14 way, that the business owners should have the right to  
15 have -- make their own choice whether to have a  
16 smoking establishment or not. If you take their  
17 choice away from them, you guys are just dictating.

18 And after all the business people out there are  
19 the ones that are paying the WCB a great deal of money  
20 per year per business to cover their workers and, if  
21 their workers aren't going to be covered because  
22 they're working in smoking establishment, why pay the  
23 WCB?

24 And that's all I've got to say.

25 THE CHAIRPERSON: Thank you. We're going to give Mr.  
26 Krstic a few minutes to arrive. Did you wish to  
27 speak? We're waiting for somebody to arrive.

28 MS. VAN ORD: Sure.

29  
30 PRESENTATION BY MS. DEBRA VAN ORD:

31  
32 MS. VAN ORD: My name is Debra Van Ord. I work for  
33 Windows on Westwood, which I believe you have under  
34 Tubby's Holdings.

35 THE CHAIRPERSON: Sorry, your last name was...?

36 MS. VAN ORD: Van Ord.

37 THE CHAIRPERSON: Thank you.

38 MS. VAN ORD: Go ahead?

39 THE CHAIRPERSON: Yes.

40 MS. VAN ORD: I would just like to say that I think the  
41 workers should have something to say. I think if  
42 there's going to be any surveys or referendums, I  
43 believe that they should be sent to the workers in the  
44 hospitality industry. The hot line or the snitch line  
45 which you guys had set up several months ago was  
46 ridiculous, because it wasn't the workers that were  
47 complaining. It was do-gooders and people that were

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1 coming into the pubs and complaining because it was an  
2 issue.

3 These people aren't there on a regular basis. I  
4 think if you guys want to know the real truth, it's  
5 the employees and only the employees, not the general  
6 public, not the do-gooders that are sticking their  
7 nose in and saying, well, this is, you know, really  
8 important. It's the people that work in the industry  
9 that are being threatened and only them people should  
10 be surveyed and asked if they want to work in those  
11 conditions.

12 I also think that only the workers should be  
13 sending in their own replies, their own thoughts. I  
14 think if the WCB wants to go through with this  
15 ridiculous situation that they should have a person in  
16 every bar, every establishment and they should do  
17 their own policing. You know, if somebody's smoking  
18 in a bar, it shouldn't be up to me, it shouldn't be up  
19 to the owner to go and tell this person to put their  
20 cigarette out. It's not our job. I mean, if that's  
21 what they want to do, then they're going to do it.  
22 There should be a WCB person stationed in every  
23 drinking establishment, every restaurant and if  
24 somebody wants to give them a fine, then it should be  
25 given to that person.

26 We lost a lot of business. It was ridiculous. We  
27 were down like 60 and 70 per cent. The non-smokers  
28 were not coming. All they were doing was phoning and  
29 complaining. They're not paying my wages. They're  
30 not thinking what I'm going to do when I don't have a  
31 job. WCB isn't thinking what I'm going to do if I  
32 don't have a job. Are you going to retrain me? Are  
33 you going to look after me?

34 I don't want to live on Welfare. UIC only goes  
35 so far and, you know, the social -- everything that  
36 people are trying to do, I don't think they're  
37 actually thinking of the actual people that are  
38 working. I think they're thinking big, you know, big  
39 companies.

40 What about the guys in the mills that are sucking  
41 back chlorine and smoke, you know, what are you doing  
42 with them? Why pick on the industry, you know, the  
43 hospitality industry? People go out to visit. They  
44 don't go out to drink. They go out to visit and see  
45 their friends. And if they can't go out and be  
46 social, then where are we?

47 And that's pretty much all I have to say. You're

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1 threatening my job I don't appreciate it. I don't  
2 like it and nobody else does either and I think you  
3 should actually do a proper survey, not just, you  
4 know, this. Everybody comes in and talks and tells  
5 you their woes. I think you should talk to the  
6 employees, send out surveys or questionnaires or  
7 whatever, because it's their livelihood that you're  
8 threatening. And thank you for your time.

9 THE CHAIRPERSON: Thank you. Is there anybody else who  
10 wishes to speak? We're going to wait another five  
11 minutes for Mr. Krstic.

12 We're convening. Go ahead.

13  
14 PRESENTATION BY MR. MIRO KRSTIC, ON BEHALF OF NATIONAL  
15 HOTEL:

16  
17 MR. KRSTIC: Okay. My name is Miro Krstic and I  
18 represent National Hotel located at 1241 First Avenue,  
19 Prince George.

20 I'm here just to tell you that during the smoke  
21 ban my business was 23 per cent down. And specially  
22 during the day when we have all the crowds that would  
23 come and play pull tabs and Keno and people in 60s,  
24 50s, 60 or so. Those were the hardest. We lost them  
25 basically. Ninety per cent of business during the day  
26 was gone. One person out of ten would come. I was  
27 seriously thinking of closing days.

28 It's a good thing that they're only a little  
29 portion of all businesses, but the shift lost 90 per  
30 cent of business, nine zero.

31 I also have a letter, I would like to leave that  
32 with you, which states the rest. I'm against the ban.  
33 I have restaurants and I keep them non-smoking since  
34 the ban, like I'm -- and they're doing okay, the  
35 restaurant part, but the pub itself and the bar and  
36 the night-club, that's terrible to do to us. The  
37 restaurants had a little different. They're right  
38 back now, no problem, people are even enjoying more in  
39 the restaurant, but pub and the club just die without.

40 The rest is in the letter. I'll just leave it  
41 with you and you can use it. Thank you very much.

42 THE CHAIRPERSON: Thank you. Is there anybody else who  
43 wishes to speak? We'll adjourn now until six o'clock.

44  
45 --- PROCEEDINGS RECESSED AT 4:50 P.M.  
46  
47

## Introduction

1 --- PROCEEDINGS RESUMED AT 6:00 P.M.  
2

3 THE CHAIRPERSON: Good evening and welcome. This is a  
4 public hearing on proposed amendments to Part IV,  
5 Sections 4.82(3) and 4.83 of the *Occupational Health*  
6 *and Safety Regulation*. It is being held pursuant to  
7 Sections 225 and 226 of the *Workers' Compensation Act*  
8 of British Columbia. The proposed amendments are as  
9 follows, 4.82(3):

10  
11 An employer must ensure that a worker does not  
12 work in an indoor area where smoking is permitted  
13 under Section 4.81, except in an emergency, in a  
14 circumstance where entry is required to  
15 investigate for illegal activity, or until the  
16 tobacco smoke has been effectively removed.  
17

18 It is also proposed that Section 4.83 be deleted.  
19 These are the only two sections of the regulation that  
20 are under review at this time.

21 I'd like to make some introductions. My name is  
22 Louise Logan and I am the Chair of this public  
23 hearing. To my right is Mr. Edward Bates, legal  
24 counsel; to my far right, Mr. Thomas Kemsley, Vice-  
25 Chair; to my left is Wolfgang Zimmerman, a member of  
26 our Panel of Administrators.

27 I'd like to just say a couple of things about the  
28 process we'll follow this evening. We are here to  
29 listen to your views. If presenters have questions,  
30 please address them to me as the Chair. I and other  
31 members of this Panel may also be asking questions  
32 from time to time in order to seek clarification or  
33 further understanding of a particular presentation.  
34 Please speak at all times into the microphone as this  
35 hearing is being recorded and transcribed.

36 To ensure that everyone has the opportunity to  
37 speak and be heard, presenters are asked to keep their  
38 presentations to the allotted time. I will remind  
39 presenters when they have five minutes remaining.

40 I remind everyone at this time that we are also  
41 accepting written submissions. Information about how  
42 to make a written submission is available at the sign-  
43 in desk outside this auditorium. We are offering the  
44 use of an overhead projector to those of you who wish  
45 to use visual materials. Please advise the sign-in  
46 desk in advance if you wish the projector to be set  
47 up.

## Presentations

1           This is the first step in the review of the  
2 proposed amendments to the environmental tobacco smoke  
3 provisions of the *Occupational Health and Safety*  
4 *Regulation*. Once this process is complete, all  
5 written and oral submissions will be examined. The  
6 final decision will be made by the Board's governing  
7 body, the Panel of Administrators.

8           Thank you for your interest and involvement in  
9 this hearing. We look forward to hearing your  
10 presentations.

11           Ms. Trynna Dion? Good evening.

12  
13 PRESENTATION BY MS. TRYNNA DION, JACKFISH GUNDEE'S PUB,  
14 FORT ST. JOHN:

15  
16 MS. DION: My name is Trynna Dion and I'm here today  
17 representing myself and fellow employees. Let me  
18 first start by saying before I entered into this  
19 business nine years ago I was a schoolteacher, and in  
20 the past year have gone back teaching part-time while  
21 still working in this industry. On one workday I can  
22 go to one place of employment and teach our children  
23 today, which we do, about drugs and violence and  
24 awareness of tobacco, drugs of all kinds, including  
25 alcohol, and teach them that they are not the  
26 healthiest choices in life. On the same token,  
27 children are also taught that once they become adults,  
28 they are responsible for their own choices in life.

29           I am happy to sit here before you and the public  
30 today and thank the judge that ruled against the WCB  
31 smoking ban. It is not unknown to the smokers of this  
32 province or country the many dangers involved with the  
33 habit of smoking those cigarettes every day. We, too,  
34 are educated of the many risks involved with that one  
35 more puff, and I do not mean that lightly. But there  
36 are many other attributes to this issue other than the  
37 fact of people smoking.

38           It is not that our employers do not care for the  
39 safety of our fellow employees; they do. But the  
40 public needs to understand that in the hospitality  
41 industry, for many decades or even centuries, the two  
42 go hand in hand. Twenty-five per cent of this  
43 province may be all that's left that smokes but, in  
44 this business, 65 per cent to 70 per cent of our  
45 patrons enjoy that cigarette.

46           A person wishing to employment [sic] this type of  
47 business not only has to be of legal age, but also

## Presentations

1 aware that these risks come with the territory. Like  
2 in many jobs, there are always certain risk factors  
3 involved. My father works for a company where he is  
4 around deadly gases every day. He is trained and made  
5 aware of the safety issues involved with his work. So  
6 should it be with bars and pubs. The people of this  
7 nation have to start taking back control of their own  
8 lives and start being responsible for their own  
9 actions.

10 A large percentage of tax revenue from cigarettes  
11 help to ease our government's deficit. You should  
12 know that this is why they don't make smoking illegal.  
13 There's far too much money involved. Better to  
14 appease the ones that cry the loudest, in some form or  
15 another, without abolishing it altogether.

16 Middle-income businesses contribute a large  
17 amount of tax dollars to our province. The NDP  
18 government is slowly reducing us out the door. Where  
19 will we be in ten years from now if we continue to  
20 allow them to run our businesses and our lives. They  
21 are there to guide us. We, the voters, including  
22 smokers, put them there. I stress we, the voters. We,  
23 the people in this industry should have had the right  
24 to vote on this issue in the first place. It is not  
25 that we are not willing to comply with clean air  
26 ventilation systems or have smoking and non-smoking  
27 sections. We smokers have learned to adjust in many  
28 ways to make everyone's life as comfortable as  
29 possible. But let's remember we, too, are a part of  
30 this province; freedom of choice, our right to speak,  
31 our right to work, and run our businesses the way we  
32 see fit in a time of provincial crisis, economic  
33 crisis.

34 I'm sure you are all aware, just as myself, that  
35 it's nothing to see companies pulling out due to high  
36 taxes, lack of -- lack of employment, high costs of  
37 living. It's taking everything we have to keep our  
38 doors open as it is. Middle-income business contribute  
39 a large amount of tax dollars to our province.

40 Several years ago in this industry, they came up  
41 with "Serving it Right" exams and certificates that  
42 each employee must have to work in this business. The  
43 course is to teach employees to be aware of  
44 drunkenness, et cetera. I won't go into details, but  
45 the bottom line is that we, the business owners and  
46 staff, are responsible for your safety up to 24 hours  
47 after you have left our establishment even if you

## Presentations

1 didn't get into your condition with us, even if you  
2 only were served one drink, we are responsible for  
3 what may happen in the hours to follow. So if you get  
4 into an accident or kill someone, you can say I was  
5 over-served, and this is where I was drinking. We may  
6 receive a large fine, we may end up being sued or even  
7 losing our liquor licence. Now, really, how much  
8 sense does this make? I ask you to think about that.

9 Why are you not responsible for drinking too  
10 much? Why are you not responsible for getting into  
11 your vehicle and driving and maybe injuring or killing  
12 someone? I agree that there is far too much drinking  
13 and driving going on, and we all do do our best to  
14 control this. But make us pay for your  
15 irresponsibility? You are grown adults. Think about  
16 what you are doing and remember that there are always  
17 consequences involved in everything we do. It's  
18 called life. Let's be smart about it. We have to be.

19 Everyone has to start taking back responsibility  
20 for themselves, their businesses, their home and their  
21 children. There is far too much emphasis on making  
22 other people responsible for our own actions to the  
23 point that the government is using it to take control  
24 of what we no longer have to say in these matters any  
25 more [sic]. Everyone is fed up in not having what  
26 you say or believe count any more. I know I am.

27 After the smoking ban was removed, many  
28 restaurants decided to stay non-smoking. That was  
29 great. That's all we were asking for in the first  
30 place: a choice. Now that there are both, people who  
31 wish to not be around smoke can patron these  
32 establishments. It works for everyone. In the  
33 meantime, allow free enterprise to be just that. And,  
34 remember, we are supposed to be living in a democratic  
35 society.

36 We are just small business owners in the north  
37 that are trying to make an honest buck doing what we  
38 do best, run our pubs and restaurants. We have  
39 mortgages on them, we have many taxes to pay on them,  
40 and it is a full-time job. But if we no longer have a  
41 say in how they should be run, and the right to choose  
42 if we want smoking or not, then what do we have? A  
43 business that is our payment, our hard work and  
44 efforts, but the bureaucrats decide how to look after  
45 it. I think not. The buck stops here as far as we are  
46 concerned.

## Presentations

1 I'd also like to add that I am in agreement with  
2 Section 4.83. Thank you.

3 THE CHAIRPERSON: Thank you.

4  
5 Mr. David Rubadeau? Good evening.

6  
7 PRESENTATION BY MR. DAVID RUBADEAU:

8  
9 MR. RUBADEAU: Good evening. Yes, my name is David  
10 Rubadeau. First, I'd like to start with a couple of  
11 questions. Are you the four people that will make the  
12 final decision, or is this just a fact-gathering that  
13 you go and tell somebody that already has made the  
14 decision.

15 THE CHAIRPERSON: I think you missed my opening remarks for  
16 this evening.

17 MR. RUBADEAU: Yeah, I came in about...

18 THE CHAIRPERSON: The final decision is made by the Panel  
19 of Administrators. Wolfgang Zimmerman is a member of  
20 our Panel of Administrators.

21 MR. RUBADEAU: Okay. And how many administrators will  
22 there be?

23 THE CHAIRPERSON: The Panel is four.

24 MR. RUBADEAU: Four?

25 THE CHAIRPERSON: Mm-hmm.

26 MR. RUBADEAU: Okay. I don't work in the hospitality  
27 industry. I am -- any more than the fact that play in  
28 bands in the bars and that sort of stuff, so I know  
29 almost all the bar owners and most of the waitresses  
30 and waiters and everything.

31 This no-smoking ban hurt Prince George so much  
32 you wouldn't believe it. Because I'm not directly  
33 involved, I was able to get the figures on all the  
34 different bars which you normally wouldn't share such  
35 a thing with your competitors, but they hurt amazing.

36 I got the figures on packaged, on draft, on beer  
37 sales, on -- or, sorry -- beer stores, on the liquor  
38 stores. Liquor stores, of course, went up during that.

39 They went up about 12 per cent. You had pubs in  
40 Prince George going down just about 54 per cent.  
41 There aren't very many businesses that can take a hit  
42 of 54 per cent and stay in business.

43 As a result, they had to cut back. WCB put on  
44 the commercials that, geez, there weren't very many  
45 people that lost their jobs. Well, they didn't lose  
46 their jobs, they got cut back in hours. They lost

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1 shifts. So it still comes down to the same thing. If  
2 you really wanted to know what it was, you should find  
3 out what the payroll drop was, because you'll find  
4 that instead of two people working a shift -- like  
5 take, for instance, the bands. They killed the bands  
6 totally. Places that we used to play are gone.

7 Actually, right now, I'm supposed to be playing  
8 in a bar and got permission to come and talk about  
9 this. This bar in particular, which I'll invite you  
10 down to, is the Croft, is what you'd call an Indian  
11 bar. It's half Indians and half white people and  
12 stuff, but 99 per cent of them smoke. There's not  
13 even a question about it. I put \$1,000 you can walk  
14 in there right now and they'll all be smoking.

15 Prince George is not Vancouver. It's -- there's  
16 a lot of good things about that. You know, people  
17 look you in the eye and say "Hi!", even though they  
18 don't know you. But this is crazy.

19 It's killing the tourism. Like I played at the  
20 Log House two weeks ago, and he gets 80 per cent of  
21 his people from Germany. He advertises in Germany,  
22 and they smoke. Tourism is a big deal.

23 It's like -- it's even like the fines, here --  
24 and WCB decides, "We're going to fine the business."  
25 The one business here in town, his first fine was  
26 \$4,500; then his second fine was \$9,000, and his third  
27 fine was \$9,000. Now, if you did a toxic waste dump  
28 spill with the pulp mill, it probably wouldn't be  
29 \$5,000. But this is a legal substance in his bar.

30 They also -- like they get this from California  
31 where California says it's the person's  
32 responsibility. We fine the person \$100 for smoking.  
33 They don't do that here. They tell the business  
34 they've got to look after this policing. It's up to  
35 them to get them out. I happen to know bars where the  
36 WCB had come in to say, "Hey, that guy's over there  
37 smoking," and they said, "Well, he's 300 pounds. You  
38 go over and tell him not to smoke." "I'm not doing  
39 that." They were intimidated by the fact that there  
40 was all these people standing around him trying to  
41 tell him not to smoke. And, yet, you kind of expect a  
42 100-pound girl to go and tell some guy to butt out of  
43 a legal substance.

44 Restaurants, in my opinion, it's their business.  
45 If -- if you don't want to go to it, fine. It has  
46 nothing to do with the clientele, supposedly. This is  
47 supposed to be protecting the employee. I'd like to

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1 know how this regulation -- it's not a law -- this  
2 regulation was put forward and by who. Was there a  
3 company or an employee that said, "Ho, hey, we got a  
4 smoking problem," or was it the NDP government saying,  
5 "Hey, we'd like to put this in so that we can sue the  
6 -- and get some money from the tobacco companies."  
7 Does anybody know that, how it initiated? Any of you  
8 guys?

9 THE CHAIRPERSON: Sorry?

10 MR. RUBADEAU: How -- how did this come about, this  
11 regulation? Who put it forward? Who --

12 THE CHAIRPERSON: The proposed regulation is approved by  
13 our Panel of Administrators. It then goes out for  
14 this public hearing process.

15 MR. RUBADEAU: Right. But when it all started back in  
16 December, or whatever, who came up with the idea? Was  
17 it company complaining about it, an employee  
18 complaining about it, or was it just WCB deciding this  
19 was a good thing to do?

20 THE CHAIRPERSON: I would have to get back to you. I don't  
21 know the genesis of it.

22 MR. RUBADEAU: Okay. Do you want -- you've got my name.

23 THE CHAIRPERSON: I do.

24 MR. RUBADEAU: Okay. Because I'd like to know that. It  
25 just seems kind of interesting that -- see, like in  
26 California, it -- it hurt their tourism big time. It  
27 killed the conventions. They'll just go to Vegas.  
28 So, already, California -- besides just fining the  
29 person which doesn't happen very often -- if you go  
30 down there, which I have, they will give you -- I  
31 don't smoke, but I was with somebody that did, and  
32 they said, "We'll give you an ashtray but the fine  
33 could be yours. We've never seen anybody get the fine,  
34 but it could happen. So you've been warned, and  
35 you're a big boy, do what you want."  
36 They had so much problems with their conventions  
37 that they made the conventions exempt. The same thing  
38 happened here when they had the ban on. There was  
39 supposed to be a convention in Whistler that went to  
40 Jasper because of this ban. It doesn't take a rocket  
41 scientist to figure out how much tourism makes a  
42 difference and, gee, it's 7 per cent less sales tax  
43 over in Alberta, too. This province is going down the  
44 toilet the way it's going.

45 Some other things: If you had in their  
46 ventilation -- I understand there's 60 square feet per  
47 person; is that correct?

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1 THE CHAIRPERSON: Are you talking about a particular  
2 ventilation system?

3 MR. RUBADEAU: Proposed ventilation that was supposed to  
4 meet WCB qualifications.

5 THE CHAIRPERSON: I believe a number of ventilation  
6 proposals have been reviewed. I don't know what  
7 you're -- which one you're referring to, so...

8 MR. RUBADEAU: Well, they were saying about the minimum  
9 amount of air per person that had to move. I was  
10 under the understanding it was 60 square foot per  
11 minute. Well, just to bring that into perspective,  
12 that's like saying there's a two-by-three-foot square  
13 that I'm sitting in, ten feet tall, and you're  
14 replacing the air every minute. So if you've got a  
15 65-foot-square -- or 65-seat pub, you are moving a  
16 ridiculous amount of air. You kind of notice this  
17 isn't California or Vancouver; like, last night it was  
18 three degrees, tonight it's supposed to freeze. This  
19 is the summer. At 40-below  
20 -- and you can't heat-exchange it; they want you to  
21 replace the air. That's just like saying if you think  
22 you can afford it, you can smoke. But nobody could  
23 afford to heat that air. It's an unrealistic number.  
24 It's supposed to be a free country. You're  
25 supposed to be old enough, 19 to get into it. The  
26 employees should know what they're doing. In my  
27 estimation, WCB is just an insurance company. You pay  
28 premiums based on hundreds of -- per hundred dollars  
29 depending on what kind of -- like, logging you're  
30 going to get hurt more, you pay more. So this is like  
31 a low-risk company -- or low-risk business with  
32 waitresses -- waitressing and all that sort of stuff.  
33 And there's -- nobody's ever made a claim that --  
34 I'd like to hear about it if they did -- that they got  
35 damaged by second-hand smoke. So it never cost you  
36 any money. What's the big deal about -- it's -- I've  
37 got a doctor friend of mine that had to volunteer --  
38 well, he didn't have to -- but he volunteered to work  
39 in the Bingo here in town. The Bingo has a smoking  
40 room. The employees aren't allowed to walk in the  
41 smoking room, so you have a volunteer, who's a doctor,  
42 go in there to serve the people that are in the  
43 smoking room. When the employees take their break,  
44 they have to go in the smoking room to have a  
45 cigarette. It's like -- there's no common sense at  
46 all. It's awful.  
47 We had a rally here which -- because I'm in a

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1 band, I brought the PA equipment for it. It was on a  
2 Wednesday afternoon for two hours. At the beginning,  
3 the press showed up and said -- which they were right  
4 -- there was a couple of hundred people at the very  
5 beginning of the rally, but WCB wouldn't let the press  
6 in. They would only let a couple of the spokespeople  
7 in. About an hour later, I counted, myself -- should  
8 go on a lie detector -- I'm telling you there was 452  
9 people there on a Wednesday afternoon. So this is  
10 hurting a lot of people when you can get 452 people to  
11 show up on a Wednesday afternoon. A lot of the people  
12 that are working, right now, at that time, and can't  
13 even show up for it. Most of the people that work in  
14 this thing are single women, most of them smoke. I'd  
15 like to see some -- you know, it just makes me upset.

16 I'd like to see you get a questionnaire out and  
17 find out who's got a problem with the smoking. How  
18 many of the employees do?

19 It's -- and then you have things where you have  
20 different bars, like the Prince George Hotel and the  
21 First Leader (phonetic) Pub that go and make  
22 themselves partnerships so they don't have the WCB in  
23 there. And now the other people get hurt even more.  
24 It's -- it's retarded.

25 So then you've got different classes of people:  
26 those -- those that'll take the risk and become a  
27 partnership, those that can't like a major hotel.  
28 Like the Inn of the North isn't going to become a  
29 partnership for the bar. So the playing field isn't  
30 even level.

31 In my estimation, you should quit spending the  
32 money on it. These people are grown, they know what  
33 to do. Some good things came out of it. The  
34 restaurants that are gone non-smoking, the people that  
35 don't want smoke are going there.

36 We had some -- some pubs right away go no  
37 smoking, two of them in particular. They were, oh,  
38 business is great, which it wasn't. And it's funny,  
39 as soon as the ban got lifted, lo and behold, they had  
40 to go back to smoking to stay competitive. If it was  
41 so good, why didn't they stay -- they didn't give it a  
42 chance to stay non-smoking to see if there are enough  
43 people to come over. I don't know if some of these  
44 bars will ever -- and pubs will ever recover from this  
45 'cause once you've broken people's habit of where  
46 they're going to go, their friends -- a lot of people  
47 got into fist-fights over this smoking, non-smoking

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1 thing -- and won't go down. Places like the Legion,  
2 the Elks Club, will close because of this; there's not  
3 a question. It's hurting everybody. I don't see any  
4 good that's coming out of it. I don't see any good  
5 for you guys; you're going to spend a lot of money.  
6 Coming up here isn't free either, and all the  
7 advertising you're doing. It's crazy.

8 The other thing that bothers me is the snitch  
9 line. If you have a snitch line, you should have one  
10 for the employees that they can call in and say, hey,  
11 I'm employee 1234 of whatever hotel and I have a  
12 problem with it. It shouldn't be a customer. It has  
13 nothing to do with the customers. It's supposed to be  
14 protecting the employees. And, for a fact, I know  
15 several of the pubs, when they went non-smoking, were  
16 calling the snitch line to complain about the ones  
17 that were still smoking. So it's a joke.

18 You know, I'm not going to argue about whether  
19 smoking is good for you. I don't think there's too  
20 many people that can say it's good for you. But it is  
21 kind of funny when you go and see some of these people  
22 who live to 104 and they smoked every day in their  
23 life. Like we've got one in Prince George, Two-Mile  
24 Mary, and you see her picture down at the Keg. You'll  
25 see her with a pipe in her mouth. It's -- you know,  
26 people say, hey, my father died of cancer. We'll,  
27 gee, he lived to 84 and probably if he wasn't smoking  
28 he would have died of heart disease because he would  
29 have been 250 pounds or something. Nobody can tell  
30 what is going to happen.

31 It's a legal substance. It shouldn't be banned  
32 from a public -- and it's not a public place; the  
33 public doesn't own the place. It's a place open to  
34 the public. It's an individual who's put his life  
35 into this and you're changing it.

36 What else did I have to tell you? I'm probably  
37 going over my time. Ventilation, California...

38 Just another thing about, you know, like I've  
39 played -- played in the bars for 30 years. I'm  
40 usually raised up a little higher so I get more smoke  
41 than anybody. I've never been sick. I'm not a health  
42 nut. I eat more junk food than anybody. In my mind, I  
43 never eat anything healthy enough for germs to live  
44 on. My wife -- my wife is just the opposite. She  
45 rides her bike to work and healthy and everything  
46 else, and she gets a brain tumour about the size of an  
47 egg behind her left eye. Shit happens. You can't

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1 blame and protect everybody for everything.

2 It's a legal substance, they're old enough. You  
3 should find out what the employees -- if the employees  
4 all got together and said, hey, we don't want smoking  
5 in here, that's something different. Then they should  
6 say we don't want this bar to be smoking and do  
7 something about it, or go find another job. There are  
8 lots of jobs.

9 Do you have any questions for me? Or are you  
10 just tired of hearing me.

11 THE CHAIRPERSON: No, I don't believe we do.

12 MR. RUBADEAU: Okay. Well, that should be most of it. I  
13 better go play. But you're welcome to come down and  
14 see a real bar, what it's doing. It's on Fourth  
15 Avenue, there, and --

16 THE CHAIRPERSON: Thank you.

17 MR. RUBADEAU: -- it's -- these are people that, you know,  
18 it's -- they're the ones that smoke, they're the ones  
19 that drink, they're the ones that gamble. If you went  
20 to the Casino -- I know people that own the -- or work  
21 in the Casino. The Casino is normally at capacity.  
22 There's a waiting for people to get in. They can't  
23 make any more money 'cause they only have so many  
24 machines. When the smoking came in, only half the  
25 machines were in. People that smoke also drink, also  
26 gamble, also smile a lot.

27 Okay. That's it.

28 THE CHAIRPERSON: And I have your question.

29 MR. RUBADEAU: Okay. Thank you.

30 THE CHAIRPERSON: Ms. Dena Fairell? Good evening.

31  
32 PRESENTATION BY MS. DENA FAIRELL, PEACE LIARD/HEALTH:

33  
34 MS. FAIRELL: Good evening. My name is Dena Fairell, and  
35 I'm the Regional Tobacco Reduction Coordinator for  
36 Peace/Liard Health.

37 I work with various groups from tobacco  
38 retailers, hospitality industry, schools, and service  
39 providers, on tobacco-related issues. The Peace  
40 region extends from Tumbler Ridge through to Chetwynd,  
41 Dawson Creek, Fort St. John, and Fort Nelson. Peace/  
42 Liard Health and its Board are in full support of the  
43 WCB environmental tobacco smoke regulations. The  
44 Medical Health Officer, Dr. Kay Watton (phonetic)  
45 asked me to speak on her behalf and reinforce that all  
46 four health authorities in the region share these  
47 concerns.

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1           The rate of hospitalizations in our region due to  
2 respiratory illnesses are the highest in the province.  
3 We have the highest number of smokers per capita in  
4 B.C. This regulation is particularly important for  
5 those people in the hospitality industry because food  
6 and service workers are 50 per cent more likely to  
7 develop lung cancer than members of the general  
8 population. This can be attributed to working in a  
9 smoke-filled environment. Studies have shown that ETS  
10 in restaurants were found to be 1.6 to 2 times higher  
11 than other office work places. In bars, ETS levels  
12 were 3.9 to 6.1 times higher.

13           Educating the public about the harmful effects of  
14 second-hand smoke has been a gradual process. As with  
15 other transitions designed to prevent future health  
16 problems, lower health-care costs, and increase the  
17 quality of life, there is the initial response of  
18 disbelief, anger, and fear, when people's previous  
19 practices are challenged. We saw this with issues  
20 such as helmets, seat belts, and drinking during  
21 pregnancy.

22           I will not be spending a lot of time on the  
23 health effects of smoking or second-hand smoke.  
24 Breathing in any kind of smoke on a continual basis is  
25 harmful. We already know that there are 4,000  
26 chemicals in tobacco smoke and 40 of these are known  
27 to cause cancer.

28           Instead I'd like to present you with a snapshot  
29 of people and some of the businesses in the Peace who  
30 are not able to be here tonight that have expressed  
31 support for this regulation. The time and distance to  
32 travel to Prince George was certainly a barrier to  
33 many of these people.

34           Before the regulation applied to the hospitality  
35 industry, this region only had a dozen smoke-free  
36 restaurants. Despite economic concerns raised by  
37 business owners, the number of smoke-free restaurants  
38 has tripled to date. The staff from some of these  
39 places that once opposed the regulation now enjoy  
40 working in a smoke-free atmosphere. They feel better  
41 at the end of the day and they certainly don't miss  
42 cleaning out ashtrays.

43           Owners from a few of the restaurants that went  
44 back to offering smoking sections did so out of fear  
45 of losing their smoking clientele by having to tell  
46 them it was their choice to be smoke-free. The  
47 preference expressed by many owners and staff was to

## Presentations

1 remain smoke-free. A waitress from a restaurant that  
2 decided to go back to smoking, told me on the first  
3 day, "I hate it. I've had a headache all day."  
4 Another waitress who worked in bar left her job to  
5 work in a smoke-free licensed establishment.

6 Most people, including smokers, want to work in a  
7 smoke-free setting. According to the 1999 Angus Reid  
8 study, 75 per cent of British Columbians support  
9 smoke-free indoor places.

10 Bingo halls are typically places that are filled  
11 with smoke. Not so in Fort Nelson. Bingo players had  
12 a vote whether or not to have their bingo halls smoke-  
13 free. The majority of people wanted it to be smoke-  
14 free. The bingo hall in Fort St. John is building a  
15 separate smoking area so that customers can choose and  
16 workers are not exposed to second-hand smoke.

17 Another group in the community that is concerned  
18 about second-hand smoke and supports smoke-free spaces  
19 is the Addiction Awareness Committee in Dawson Creek.  
20 This committee has been looking at ways to publicly  
21 recognize those businesses that have instituted non-  
22 smoking policies. They are in the process of  
23 developing plaques to honour smoke-free  
24 establishments.

25 Feedback from young people has been positive when  
26 discussing smoke-free workplaces. If all public  
27 indoor workplaces are required to be smoke-free, this  
28 could help with a teen's decision not to start  
29 smoking, and assist those who want to quit. Bert  
30 Bowes (phonetic), a junior secondary school in Fort  
31 St. John is very concerned about kids starting to  
32 smoke. A core group of students made up of smokers  
33 and non-smokers are working towards a smoke-free  
34 school.

35 I have with me a written submission from Andrew  
36 Terovsky (phonetic), a 15-year-old student, and I'd  
37 like to read part of it out to you. He writes:

38  
39 First of all, I commend the WCB on this  
40 regulation. I believe that all employees of the  
41 hospitality industry and the non-smoking public  
42 have a right to clean air in all public  
43 buildings. Divided sections for smoking in  
44 restaurants is like designated one end of a pool  
45 to pee in. Clearly, this regulation goes beyond  
46 protecting the health of employees. It is going  
47 to help reduce the percentage of smokers over the

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1 next few years.  
2

3 Since beginning my position at the Health Unit  
4 two years ago, I am now hearing more adult smokers  
5 tell me they want to quit smoking, or are now smoking  
6 outside at home out of consideration for their  
7 family's health.

8 On a personal note, I feel very fortunate to work  
9 in a smoke-free setting. My sister works in a place  
10 where she's exposed to second-hand smoke. She has  
11 asthma and is often hospitalized from it. Her asthma  
12 is aggravated by tobacco smoke. This could easily be  
13 prevented if her smoke -- if her workplace had a  
14 smoke-free policy.

15 Over the years, we've been moving towards smoke-  
16 free spaces. We've seen this in government and city-  
17 owned buildings, health-care settings, airports,  
18 transportation systems, and even movie theatres. The  
19 ETS regulation proposed by WCB, supported by health  
20 authorities, and the union of B.C. Municipalities, is  
21 simply the next step in a province that is consciously  
22 moving towards healthier and more productive  
23 lifestyles.

24 Thank you.

25 THE CHAIRPERSON: Thank you.

26 Ms. Renette Benning? Good evening.  
27

28 PRESENTATION BY MS. RENETTE BENNING, SILVERADO INN, DAWSON  
29 CREEK:  
30

31 MS. BENNING: Good evening. Hi, my name is Renette  
32 Benning. I am the owner of the Silverado Inn located  
33 in Dawson Creek, and I want it on record that I am  
34 opposed to this proposed non-smoking regulation.

35 I do not wish to spend a great deal of time with  
36 large numbers, graphs, or overload this Panel with  
37 facts and figures which are only relevant to me. I  
38 merely want to state my position clearly in hopes this  
39 Panel will have some indication of the destruction  
40 they will wreak on areas like Dawson Creek if they  
41 implement the non-smoking ban.

42 Dawson Creek is located very close to Alberta  
43 which, in itself, creates additional problems for  
44 businesses. The abrupt decline in sales during  
45 January 2000 was directly attributed to the non-  
46 smoking ban and I found many of my customers going to  
47 Grande Prairie. This led to undesirable results of

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1 having to lay people off. This creates a ripple  
2 effect which is felt throughout the community as a  
3 whole.

4 During the following months in which the ban was  
5 in effect, I unfortunately did not see, as predicted  
6 by WCB, the throngs of non-smoking people supporting  
7 my liquor establishment. Fortunately, the ban was  
8 lifted and I was not forced to make a decision whether  
9 to close my premises or continue to lose money. Since  
10 the ban has been lifted, sales have returned to normal  
11 and business is doing very well.

12 As a whole, the entertainment business is already  
13 highly governed, controlled, and taxed by many  
14 agencies that do not have anything invested. We  
15 accept this as a cost of doing business. This new  
16 regulation, however, will only force closures in  
17 cities like Dawson Creek which are economically  
18 depressed. As a business owner and a lifetime  
19 resident of Dawson Creek, I would like to remain here  
20 and continue my business, but I am unsure if I will be  
21 able to do this if the ban is re-imposed.

22 As an employer, I am concerned with the welfare  
23 of my employees. I am concerned they may not have a  
24 pay cheque in the future. I am also concerned for  
25 their safety while working, including the apparent  
26 hazards of cigarette smoke. I feel very strongly that  
27 the danger placed on the serving staff is far greater  
28 when they are being forced, by an unseen agency, to  
29 tell people they are not allowed to smoke while they  
30 are drinking, than that which they encounter in the  
31 brief time they are around a customer who is smoking.

32 The concern about second-hand smoke affecting  
33 employees does seem a bit unwarranted in the liquor  
34 industry, as greater number of employees are smokers,  
35 rather, than non-smokers. In my establishment, the  
36 ventilation is extremely good and we are not a smoke-  
37 filled room at the end of the night.

38 The WCB office has placed every individual  
39 employee in this industry at risk by forcing them to  
40 be the smoking police. The serving staff are the ones  
41 who have the responsibility of enforcing this law, not  
42 the people who are paid to make it against the wishes  
43 of many of the population. We are asking the people -  
44 - rather, you are asking the people I employ to police  
45 your ideas. And if they do not do it up to your  
46 specification or someone decides they have a grudge  
47 against a particular place or employee, considerable

## Presentations

1 fines can be levied against the owner of the business.

2 I am confused why WCB people would implement a  
3 snitch line which pits neighbour against neighbour and  
4 makes criminals out of hard-working people. This  
5 snitch line, as you called it, was extremely biased in  
6 that the accuser wasn't named, and WCB took a voice on  
7 the phone line without any question or doubt and sent  
8 warning letters to business owners. As I'm sure you  
9 realize now, this was a method of getting even with  
10 the competition whether they were actually abiding to  
11 the best of their abilities or not, more than to aid  
12 WCB.

13 If WCB does decide to implement this outrageous  
14 ideal again in the future, I would like to know how  
15 they intend to police it; if they are willing to pay  
16 the establishment to enforce the law that they don't  
17 agree with; if in fact WCB will again hire a battery  
18 of employees to actually enforce their law as they did  
19 while they conceived the snitch lines. If they do  
20 intend to hire more staff, will the cost of this be  
21 passed on to the employers in a rate increase? Will  
22 WCB also attempt to qualify their anonymous callers or  
23 will these callers be taken at their word again? Will  
24 owners get letters in the mail which they have  
25 absolutely no way of defending themselves against?  
26 Will business people be forced to pay unreasonable  
27 fines at the say-so of an unnamed individual? Will  
28 owners who have their premises leased be penalized for  
29 the actions of others? What happens to the customer  
30 who refuses to adhere to the demands from WCB? Will  
31 they be accountable for their actions or is it, again,  
32 the responsibility of the liquor establishment?

33 It would appear that the idea of a non-smoking  
34 province, in theory, is ideal. But the penalties  
35 levied out and the economic devastation this could  
36 cause haven't been thought through enough. I think  
37 that people should be held accountable for the things  
38 that they decide to do. I don't feel I should be  
39 chastised for things that others do.

40 It would appear somewhat hypocritical that at age  
41 19 you can buy cigarettes, sign legal documents, get  
42 married, purchase houses, go to a casino, a bar, an x-  
43 rated movie house, vote for a politician, purchase  
44 liquor from a government liquor store, but you cannot  
45 enjoy a government-taxed cigarette in a government-  
46 approved licensed facility.

47 In closing, I ask this Panel to consider

## Presentations

1 exempting liquor establishments from the smoking ban  
2 and leave the smoking issue to the discretion of the  
3 owners or operators. It gravely concerns me when  
4 government intervention in free enterprise is greater  
5 than owner input. We are not forcing anyone to work  
6 in this industry; they choose freely to work in the  
7 atmosphere. We aren't able to discriminate; why are  
8 you?

9 If you do decide to reinstate the smoking ban,  
10 you force us to chase our customers out the door, lay  
11 off staff, and eventually close our businesses.

12 I would now like to thank you for your time and  
13 introduce to you my head of security at the hotel, Mr.  
14 Peter Jensen, who has a few words to say.

15 THE CHAIRPERSON: Thank you.

16  
17 PRESENTATION BY MR. PETER JENSEN:

18  
19 MR. JENSEN: Evening. My name is Peter Jensen. As an  
20 employee for many years in the hospitality industry, I  
21 feel I have some valid points to address concerning  
22 this regulation.

23 My job, as security, is to be quite  
24 straightforward -- or it used to be quite  
25 straightforward. I'm to ensure the safe enjoyment of  
26 any person of legal age who chooses to patronize the  
27 club. This is defined by the *Liquor Control Act* as  
28 well as my employer. We are to prohibit the use of  
29 illegal substances -- okay, I'm sorry, I'm losing  
30 track here -- illegal substances. Now, at your  
31 request, we are to prohibit the use of legal  
32 substances. This will really increase the amount of  
33 problems faced daily for all staff.

34 Bartenders, waitresses, and security people are  
35 all being placed in jeopardy trying to enforce this  
36 ludicrous regulation. We find ourselves unable to  
37 request police assistance with this problem, as it is  
38 not illegal and the police have more important issues  
39 to deal with. They have stated, in our area at least,  
40 that they will not deem this problem as high on their  
41 priority list.

42 If this regulation is forced into being,  
43 additional staff will be required to ensure people  
44 aren't smoking. The extra wages you will be forcing  
45 the employer to pay, along with all the required  
46 government remittances, will certainly increase the  
47 burden of all employers within B.C. Having an

## Presentations

1 increase in expenses is fine when it's of benefit to  
2 the business financially. This regulation being  
3 imposed by the WCB and paid for by my employer, is  
4 unjust and could ultimately jeopardize my job. Or is  
5 it the intention of the WCB to somehow reimburse the  
6 employers for these additional expenses, or will WCB  
7 provide additional staff required?

8 In closing, I'd like to ask if WCB is truly  
9 concerned with the health and safety of employees, why  
10 are they encouraging something which places us  
11 directly in the line of fire? Imposing this  
12 regulation increases the hazards of this type of  
13 employment, not only physically, but mentally and  
14 emotionally for all employees. The increase in stress  
15 -- I can't read my own writing, sorry. The increase  
16 in stress levels will ultimately lead to many more  
17 claims run through the WCB than ailments attributed to  
18 second-hand smoke.

19 What I have stated here, for the record, isn't  
20 speculation; it's based on fact as I worked through  
21 the previous imposed no-smoking ban.

22 That's pretty much it. Thank you for your time.

23 THE CHAIRPERSON: Thank you.

24 Mr. Steve Smith? Is there anybody else who wishes to  
25 speak at this time? If not, then we'll adjourn till  
26 7:30.

27  
28 --- PROCEEDINGS RECESSED

29 --- PROCEEDINGS RESUMED

30  
31 THE CHAIRPERSON: Good evening. We'll reconvene now. This  
32 is a public hearing on proposed amendments to Part IV,  
33 Sections 4.82(3) and 4.83 of the *Occupational Health  
34 and Safety Regulation*. It is being held pursuant to  
35 Sections 225 and 226 of the *Workers' Compensation Act*  
36 of British Columbia. The proposed amendments are as  
37 follows, 4.82(3):

38  
39 An employer must ensure that a worker does not  
40 work in an indoor area where smoking is permitted  
41 under Section 4.81 except in an emergency, in a  
42 circumstance where entry is required to  
43 investigate for illegal activity, or until the  
44 tobacco smoke has been effectively removed.

45  
46 It is also proposed that Section 4.83 be deleted.  
47 These are the only two sections of the regulation that

## Introduction

1 are under review at this time.

2 I'd like to make some introductions. My name is  
3 Louise Logan. I am the Chair of this public hearing.  
4 To my right is Mr. Edward Bates, he is legal counsel;  
5 to my far right, Mr. Thomas Kemsley, Vice-Chair; to my  
6 left, Wolfgang Zimmerman, member of our Panel of  
7 Administrators.

8 Just a few comments about the process we'll  
9 follow for the remainder of the evening. We are here  
10 to listen to your views. If presenters have  
11 questions, please address them to me as the Chair. I  
12 and other members of this Panel may also be seeking  
13 questions -- sorry -- be asking questions from time to  
14 time in order to seek clarification or further  
15 understanding of a particular presentation.

16 Please speak at all times into the microphone as  
17 this hearing is being recorded and transcribed. To  
18 ensure that everyone has the opportunity to speak and  
19 be heard, presenters are asked to keep their  
20 presentations to the allotted time. I will remind  
21 presenters when they have five minutes remaining.

22 I remind everyone at this time that we are also  
23 accepting written submissions. Information about how  
24 to make a written submission is available at the sign-  
25 in desk outside the auditorium. We are offering the  
26 use of an overhead projector for those of you who wish  
27 to use visual materials. Please advise the sign-in  
28 desk in advance if you wish the projector to be set  
29 up.

30 This is the first step in the review of the  
31 proposed amendments to the environmental tobacco smoke  
32 provisions of the *Occupational Health and Safety*  
33 regulation. Once this process is complete, all  
34 written and oral submissions will be examined. The  
35 final decision will be made by the Board's governing  
36 body, the Panel of Administrators.

37 Thank you for your interest and involvement in  
38 this hearing. We look forward to your presentations.

39 Is Mr. Steve Smith here? Mr. Smith? Mr. Lee  
40 Sexsmith?

41 MR. SEXSMITH: Can I use the screen, please?

42 THE CHAIRPERSON: Mr. Sexsmith, you'll have to speak into  
43 the microphone. Good evening.

44  
45  
46  
47

## Presentations

1 PRESENTATION BY MR. LEE SEXSMITH, BONNET HILL PUB, PRINCE  
2 GEORGE:  
3

4 MR. SEXSMITH: Good evening. My name is Lee Sexsmith. How  
5 do you do?

6 Our pub already tried the WCB ban on smoking and  
7 found our business was no longer viable. We simply  
8 lost too many customers. During the ban, WCB would  
9 allow us to serve only a small selected people, and  
10 ban regular customers who like to smoke, like that.  
11 On January 1, 2000, the options were to go out of  
12 business voluntarily by harassing most of our  
13 customers or continue to allow smoking and wait for  
14 WCB to penalize us out of business. We could not  
15 continue without customers, so we ignored the WCB ban  
16 on certain customers until March 1st. From March 1st  
17 to March 22nd, we enforced the ban and lost 25 per  
18 cent in revenue, for which I expect to be reimbursed  
19 by WCB.

20 Our pub, the Bonnet Hill Pub, is a new 65-seat  
21 pub with a modern air system that moves 8,500 cubic  
22 feet of air a minute. Concentrations of second-hand  
23 smoke are therefore rendered insignificant. As a  
24 result, our employees do not work in a smoky  
25 environment. Therefore, banning smoking in our pub is  
26 unreasonable.

27 Logically, the possibility that I would ban  
28 smoking in our pub is in direct proportion to the risk  
29 posed by second-hand smoke, which is nil to none.

30 My personal observations and common sense is  
31 backed up by the 56 different reports, essays, and  
32 analysis of second-hand smoke issues referenced in the  
33 proposed code of practice for controlling the exposure  
34 of workers in the hospitality workplaces in British  
35 Columbia to environmental tobacco.

36 Since we moved -- since we move four times the  
37 amount of air recommended in the report, it's obvious  
38 our pub can safely allow smoking.

39 I'm surprised WCB is revisiting the issue of  
40 making pubs responsible for the completely legal  
41 actions of the general public after the Supreme Court  
42 of B.C. ruling on March 22nd of this year. The ruling  
43 laid out a systematic failure in WCB that was supposed  
44 to protect employers from any abuse of WCB authority.  
45 This abandonment of principles by WCB should have at  
46 least resulted in a change of the Board of Governors,  
47 and the firing of certain sneaky officials at WCB.

## Presentations

1 The lack of action by the governing NDP or WCB to  
2 clean up their operations after being caught red-  
3 handed as a sneak and an abuser, is a signal to me  
4 that both the NDP and the WCB have no respect for the  
5 people they serve or even the WCB organization itself.

6 The Court decision was a warning bell to the WCB  
7 organization and it's been unfairly used as a weapon  
8 to molest the general public and small business.

9 The adoption of any policy by WCB in reacting to  
10 a need to protect our workers would normally be  
11 substantiated or justified by a respectable rate of  
12 claims. However, your letter of February 23rd states:  
13 WCB receives only five to ten claims per year related  
14 to second-hand smoke. This tiny numbers of claims  
15 includes the entire work force of the Province of  
16 British Columbia and includes all trades, not just pub  
17 employees. Since our workers have virtually no  
18 claims, why is WCB targeting our pub?

19 Amazingly enough, the majority of second-hand  
20 smoke claims were from people claiming an aggravation  
21 of pre-existing medical conditions. Why are these  
22 medical claims for people who would not be able to do  
23 many of the jobs in the world today, such as farming,  
24 welding, being considered? The solution to protect  
25 these five to ten people per year is to ban those  
26 people from going into pubs.

27 BCTV reported on Tuesday that one person dies  
28 every minute in North America from skin melanoma.  
29 During my presentation, 15 people will die from  
30 exposure to our sun's rays. Why is WCB not preventing  
31 the sun from rising instead of forcing me out of  
32 business because my customers might aggravate  
33 someone's medical condition?

34 The truth is our money is being squandered on  
35 these smoke claims in an effort to inflate second-hand  
36 smoke statistics, to serve an influential group at WCB  
37 with their own agenda. Therefore the propaganda put  
38 out by WCB on the hazards of second-hand smoke is a  
39 lie. The truth is WCB is not responding to an  
40 epidemic of claims, but continues to pay second-hand  
41 smoke claims with our money for a self-serving agenda.

42 The WCB agenda is to purge society by punishing  
43 smokers for smoking. It's obvious that WCB is clearly  
44 willing to fix and conceal a truth to serve  
45 themselves. This was emphasized at a WCB meeting on  
46 January the 11th this year at the Coast Inn of the  
47 North. Three WCB officials, Warren Beatty, Bruce

## Presentations

1 Clark, and George Church, advised the crowd that WCB  
2 can do anything whenever they want, to whoever they  
3 want, whenever they want, and if people resist, WCB  
4 will crush them with fines and state powers of  
5 confiscation and detention. These threats were made as  
6 a result of the crowd's laughter at some of the  
7 nonsense the WCB officials were trying to peddle as  
8 truth.

9 Officials of the WCB through publications,  
10 quotes, and informational meetings, assured me that  
11 banning smoking in our workplace would have no effect  
12 on our business. Scott McCloy is quoted in the  
13 November 24th, 1999 *Citizen*, that the data indicates  
14 that business is up, not down, after nine months of no  
15 smoking regulations in Victoria. This has been proven  
16 to be a huge lie. The statement on behalf of the WCB  
17 deliberately ignored mitigating circumstances in  
18 Victoria to distort the truth about business in  
19 Victoria.

20 I suffered a loss of revenue as did many of my  
21 competitors during the smoking ban. Therefore, WCB  
22 information on the predicted effect on my business is  
23 a lie. The fact is it is impossible for WCB not to  
24 have known, and impossible not to have cared that my  
25 business would be harmed.

26 The Memorandum of Understanding between WCB and  
27 the Union of B.C. Municipalities signed by Ralph  
28 McGinn, President of WCB, on July 29th, 1998, stated  
29 there would be a level playing field for employers.  
30 This was nonsense, because employers could not compete  
31 with employers that laid off all their employees or  
32 made them into partners. WCB pulled a sneaky con job  
33 on the municipalities as there is no level playing  
34 field, only the end the road -- end of the road for  
35 many businesses and employees. More than 20 members  
36 of the UBCM, parties to the Memorandum of  
37 Understanding, have since voiced their objections to  
38 the WCB's traitorous actions. The members of the UBCM  
39 were not told the truth of what WCB intended to do,  
40 and still intends to do. The UBCM was simply deceived  
41 and used to legitimize an attack on private business  
42 by WCB. Therefore, the Memorandum of Understanding is  
43 no longer a valid attachment for WCB to legitimize  
44 further attacks on small business.

45 On April 19th, 1998, WCB president, Mr. McGinn,  
46 said in the *Free Press*: The employers will have to  
47 develop means of protection from second-hand smoke

## Presentations

1 that are acceptable to the Board. This statement  
2 offered a deliberate false hope that WCB consider the  
3 ventilation a solution was possible. On December  
4 31st, 1999, at the last minute, it was apparent  
5 everyone had been deceived and WCB had absolutely no  
6 intention of accepting a reasonable solution from  
7 private business.

8 The 80-day ban on smoking earlier this year was  
9 very stressful on employers and employees. Many  
10 employees lost pay or jobs and some are still not  
11 fully recovered. Many businesses suffered -- many  
12 businesses suffered extreme revenue losses when  
13 customers could not relax with a smoke and left or  
14 stayed away. The stress during this time period on  
15 business owners was severe. The stress caused by WCB  
16 threats was a contributing factor when one of our  
17 local pub owners chose to commit suicide.

18 I found it really very ironic that on the day  
19 when a handful of underage juveniles and  
20 hypochondriacs were holding a little second-hand smoke  
21 protest on the steps of City Hall, the city's mayor  
22 was away attending the funeral service for this victim  
23 of WCB harassment. There is no question that there  
24 would be one more person alive today if WCB had not  
25 banned customers from her pub.

26 A powerful organization like WCB can shrug off  
27 the occasional death as a means to an end. But the  
28 death was a shock to the city and really put a new  
29 light on the alarming nature of WCB amusements.

30 As you are aware, the WCB gives the B.C.  
31 government exemptions from parts of the *Occupational*  
32 *Health and Safety* regulations, the *Hazardous Products*  
33 *Act* and the *Controlling Products Regulations* --  
34 *Controlled Products Regulations*, pardon me --  
35 including the workplace hazardous materials  
36 information system, and the materials safety datasheet  
37 requirements, in order to allow the provincial tobacco  
38 trade to continue. Therefore, WCB is a wilful  
39 accomplice, responsible for hundreds of deaths every  
40 year, so it's understandable why driving a little  
41 business woman in Prince George to commit suicide is  
42 simply no great concern to you.

43 WCB has gone too far when builders of commercial  
44 enterprises are so unfairly boxed in, they simply lose  
45 their desire to live. This is -- this can't continue.

46 There is evidence that enforcing the ban was not  
47 popular with some WCB employees as well. One Prince

## Presentations

1 George employee agreed to do late-night compliance  
2 checks on the pubs in Fort St. James with the  
3 condition an overnight hotel room was included on the  
4 same day as their child's overnight tournament trip to  
5 the same town. This need for employee inducements and  
6 payoffs simply to harass pub owners is disgusting.

7 On the other hands, there is evidence that some  
8 WCB employees enjoyed themselves too much. A case in  
9 point is the WCB employee's display of militia-style  
10 hats with the word "Enforcer" on the rim, and also the  
11 excessive harassment of a local cold beer and wine  
12 store, simply to intimidate a female manager. These  
13 psychopathic behaviours are unacceptable and probably  
14 should not be repeated for everyone's safety.

15 On page 3 of a WCB letter sent to me on February  
16 23rd, 2000, by your Regional Prevention Division, it  
17 said:

18  
19 As ETS is a chemical contaminant that is  
20 typically not essential to the work process, it  
21 is practical to eliminate it in virtually every  
22 workplace.  
23

24 The letter was properly addressed to myself and  
25 my pub business and it was not a form letter.  
26 Although the letter-writer did not define work  
27 process, I have to assume the writer knew our work  
28 process is to serve people, and that some people smoke  
29 while being served in my pub. Furthermore, I assume  
30 the writer knew that work process requires a customer  
31 to process. By eliminating the customer and, with it,  
32 the work process, there will be no workplace. The  
33 statement that smoke is typically not essential to the  
34 workplace was either wrote [sic] by an idiot or the  
35 real intent of WCB is to eliminate the workplace.  
36 Therefore, from the letter it's obvious that WCB has  
37 decided to eliminate the workplace, and eliminate our  
38 work process, and our employees.

39 Customers come to my pub to relax, visit, watch  
40 some TV, play lotto games, play pool, play video  
41 games, have a glass of beer, have something to snack  
42 on, use the bathroom, and 70 per cent of these  
43 customers do these things while having a cigarette.  
44 The occasional visit to our pub is not enforced by any  
45 regulation, therefore as long as customers enjoy a  
46 hassle-free visit, our pub will continue to have  
47 customers.

## Presentations

1 I am positive the writer of the letter on  
2 February 23rd knew what would happen to my business if  
3 I started asking my customers to stand upside-down in  
4 the corner of the room as a requirement to visit my  
5 pub. The upstanding customers I had built my business  
6 to serve would leave and not come back. It is evident  
7 from this letter that WCB does not wish to understand  
8 what is essential to my business, but wishes only to  
9 wreck my business because we serve smokers.

10 There are obviously deep problems with WCB.  
11 However, diverting the public's attention by wrecking  
12 pubs will not reduce the shame of the words from the  
13 Supreme Court, the embarrassment of repeatedly lying  
14 to business people, the stink of the con job pulled on  
15 UBCM, and the responsibility of WCB to seek new  
16 managers. This proposed regulation prompted by lies,  
17 threats, deaths, and secrets, simply designed to put  
18 me out of business, does not deserve to be adopted.

19 I don't have any glossy pamphlets to hand out. I  
20 don't have the money of some of the social groups  
21 here, but I have copies of my submission and I'd like  
22 to thank the company that provided me with that  
23 overhead for free, but they don't want to be named.

24 THE CHAIRPERSON: Thank you.

25 Ms. Michelle Ryder? Michelle Ryder? Ms. Gina Smith?

26  
27 PRESENTATION BY MS. GINA SMITH:

28  
29 MS. SMITH: My name is Gina Smith and I would like to speak  
30 today about air quality and how the lack of air  
31 quality has affected my family and myself.

32 My husband suffers from chronic obstructive lung  
33 disease, and we are very limited in accessing any  
34 facilities in Prince George. Before we go to any  
35 function we must check that there will be no smoking.

36 That has limited us to not attending weddings,  
37 barbecues, and only certain restaurants.

38 After the ruling the WCB made in January, it was  
39 like opening a whole new world to us. Finally, we  
40 could just plan an evening out without ensuring where  
41 we were going would cause him to have an attack of  
42 severe breathlessness, so severe that he would be --  
43 he would need medication.

44 There is a silent majority out there that feel it  
45 is futile to come and speak out. In fact, my husband  
46 has felt so discouraged that he felt it not worth  
47 attending this evening. After the WCB decision was

## Presentations

1 reversed, many restaurants chose to continue to be  
2 non-smoking, and we are so grateful to those  
3 establishments and, to this date, still support them  
4 and encourage them to continue with the smoke-free  
5 environment. They have stated to us that business has  
6 been as brisk as ever. The people that work there --  
7 you know, we've asked them personally, "Are you happy  
8 with -- you know, with the non-smoking?" "Overjoyed,  
9 absolutely overjoyed." Not a single person that  
10 worked there said otherwise.

11 As well, I work in home support in Prince George.

12 At times I have worked with clients who smoke, and at  
13 present I work in a smoke-free environment. I realize  
14 now the toll on my health when I worked with a client  
15 who smoked. I had a continuous sore throat, and this,  
16 to me, is further proof of the effects of second-hand  
17 smoke.

18 My request to the WCB is to continue with the  
19 ruling and to establish more areas where smoking will  
20 not be allowed. I think this has proceeded -- this  
21 would have proceeded more easily had the decision been  
22 made to begin in July where people would get used to  
23 smoking outdoors rather than in January. I want to  
24 encourage the WCB to make the decision in favour of  
25 having a non-smoking environment in public places and  
26 hope they have the courage to carry out that decision.

27 Thank you very much.

28 THE CHAIRPERSON: Mr. Mike Loreth? Good evening.

29  
30 PRESENTATION BY MR. MIKE LORETH, BX PUB, PRINCE GEORGE:

31  
32 MR. LORETH: Good evening. How are you guys? I'm going to  
33 make this really short. I worked in -- at the BX Pub  
34 for four years, now as a bartender. As soon as the  
35 smoking ban came into effect, I've never seen business  
36 that bad. I lost hours, I lost tips. The people I  
37 work with I consider family, and we ended up laying  
38 people off which, to me, is -- I don't know --  
39 pointless. We're all of age in that environment, and  
40 we should be allowed to make our own decisions.

41 I can understand not allowing smoking in  
42 restaurants where there are people of -- under --  
43 under 19, but in an environment where we all are  
44 consenting adults, we should be allowed to make our  
45 own decisions, right? I think if you guys do go  
46 through with this ban, you're going to see -- in an  
47 economy in B.C. where we can't afford to lose any more

## Presentations

1 jobs -- you're going to see businesses shutting down,  
2 hours getting cut, indirectly and directly affecting  
3 everyone.

4 I don't know -- you guys got it -- I mean we  
5 ought to come to some type of middle ground on this.  
6 Like you have to allow us the ventilation system or  
7 something like that.

8 That's pretty much all I got to say.

9 THE CHAIRPERSON: Thank you.

10 MR. LORETH: Thanks.

11 THE CHAIRPERSON: Mr. Jerry Mickey (phonetic)? I  
12 understand you're speaking for Debbie Parker; is that  
13 right?

14 MR. MICKEY: No.

15  
16 PRESENTATION BY MR. JERRY MICKEY, CROFT HOTEL, PRINCE  
17 GEORGE:

18  
19 MR. MICKEY: Good evening. I'm speaking for a  
20 representative for the staff at the Croft Hotel. My  
21 name is Jerry Mickey.

22 Ever since the smoking ban in January to March,  
23 many layoffs and cut in hours have occurred for the  
24 staff. The income from the tips have dropped because  
25 of fewer patrons. The results for the employees were  
26 unable to meet their financial obligations. Many are  
27 still struggling to catch up or missed or are late on  
28 their payments.

29 That brings me to a few questions that I have for  
30 the Panel. I know you don't have to answer them at  
31 this time; I will turn this in at the end.

32 First of all, we all -- well, we know is tobacco  
33 a legal product in B.C.? Must residents of B.C. be 19  
34 years of age to purchase tobacco or products --  
35 tobacco products. Is the WCB regulated by the  
36 provincial government? Does the WCB have a policy for  
37 not hiring smokers?

38 This regulation is not about the right to smoke  
39 but about the right of owners, employees, and patrons  
40 to enter or work in any establishment they choose.  
41 Statements in the media by anti-smoking groups for  
42 non-smoking pubs, are very busy. They seem to be  
43 backing you up 100 per cent. This is an option that  
44 business communities show very little interest in at  
45 this point because it's their livelihood.

46 What I am trying to say is could it be an average  
47 -- or could it be that the average pub owner knows

## Presentations

1 less about his or her business and anti-smoking lobby  
2 -- than the anti-smoking lobby?

3 The location of a pub is a huge factor in the  
4 effect of the smoking ban on businesses. Downtown  
5 Vancouver could be a paying proposition. In areas  
6 such as Vanderhoof, Fraser Lake, Endako, Fort St.  
7 James, just to mention a few, a pub depends on local  
8 people for its businesses. I'm sure if you made this  
9 non-smoking across the province, the Endako pub  
10 wouldn't be in business much longer.

11 Larger centres such as Prince George also have  
12 many pubs that cannot depend only on tourists or  
13 business travellers for their clientele. Because of  
14 the large percentage of the population that smokes,  
15 these small operations are doomed.

16 Those who support this regulation should take a  
17 hard look at exactly who it'll be hurting.  
18 Regulations for social issues, or regulations that try  
19 to enforce politically correct thinking are usually  
20 aimed at the working man or woman. While being  
21 regulated as to when and where we are allowed to work  
22 or smoke, our money is being used to support  
23 activists, Welfare, grants, the WCB, and the  
24 provincial government.

25 Has there been a huge outcry from the working  
26 people of the province for limitation on smoking pubs?  
27 I think not.

28 Another incident of regulation that is not  
29 wanted, yet money will be taken from the pockets of  
30 the working people of B.C. to pass this regulation --  
31 and it's not a law; it's a regulation -- then more  
32 will be taken to pay for the cost of the enforcement.

33 No one will dispute that smoking is not healthy  
34 and not a good habit. But tobacco is still a legal  
35 substance. Why? There are many incidents of  
36 dangerous situations caused by bad choices of the  
37 public. Example: Many are called extreme sports, such  
38 as heli-skiing, rock climbing, ice climbing, untrained  
39 and careless hikers and snowboarders. Many of these  
40 activities are carried out in clearly dangerous, even  
41 life-threatening conditions while violating clearly  
42 posted warning signs. They're said to be only harming  
43 themselves. That is not true. The lives of every  
44 search and rescue member in the province is at risk at  
45 each time they must make a rescue. These people would  
46 never be denied their right to participate in their  
47 activities.

## Presentations

1           Directly or indirectly the workers of this  
2 province that pay for the WCB, most of the workers in  
3 B.C. are unsure of the position of the WCB as a  
4 separate entity from the government. The WCB is paid  
5 each month by employees to protect workers and to  
6 provide a safe workplace. Has the WCB, with its  
7 almost limited [sic] power over the business  
8 community, become a useless bureaucracy?

9           We, as workers and employees, are forced to pay  
10 an institution that is increasingly frustrating for  
11 those who really need help, the injured worker, and  
12 yet insist on spending a fortune on passing and then  
13 enforcing a regulation that most workers do not want.  
14 The money spent on travel, living expenses, lawyers,  
15 et cetera, for these inquiries would more than pay for  
16 adequate ventilation in those establishments that  
17 don't already have a good system, and many do have a  
18 good system.

19           Workers that are already facing financial  
20 hardship have been forced to take time from their jobs  
21 or their families in time to prepare for these  
22 hearings. I am sure the Panel is being imbursed  
23 [sic], and that their expenses have been covered.  
24 This is not true for participants at this hearing.  
25 The workers of this province, once again, are being  
26 shafted as we are paying for both sides of this  
27 argument. The employee of the WCB will be able to  
28 take a restful holiday when this is all over. So will  
29 most of the hospitality employees of the north. We  
30 will be forced to take a holiday without a job. Our  
31 doubt our paths will cross at the EI office; is not  
32 located too close to resort areas.

33           Would it be a popular decision for servers to  
34 refuse patrons who are non-smokers at our pubs or  
35 restaurants? Of course not. It would be a violation  
36 of their right to make a personal decision. Why,  
37 then, does it make sense to this Panel to refuse a  
38 patron who has made a choice to use a legal substance?

39           This is an establishment open only to adults who  
40 apparently, by law, are capable of making personal  
41 decisions concerning their use of tobacco -- their use  
42 of tobacco, a legal product.

43           Why is the B.C. -- why is B.C. the only province  
44 in Canada that has a WCB, supposedly independent  
45 government, dictating rules and regulations on the use  
46 of a legal substance? Smoking is still the choice for  
47 many. Some provinces in Canada are now building

## Presentations

1 smoking rooms and in hospitals and elderly care  
2 facilities so that their clients will not be made to  
3 stand outside in inclement weather like a small herd  
4 of elderly criminals.

5 Statistics prove that the number of smokers  
6 increased when the level of education and earnings  
7 decreased. Could this be why smoking is a big issue -  
8 - could this be why smoking is a big issue? Smoking  
9 is now unpopular with the higher classes. The cost of  
10 smoking to society is cited as a reason for this  
11 regulation. After a few cigarettes, it's not common  
12 for a person to beat their spouse, commit rape,  
13 murder, robbery or maim or be killed in an automobile.

14 The social costs of alcohol in our society far exceed  
15 the cost of smoking, but alcohol is still the drug of  
16 choice for those in la-la-land. Could this be why  
17 there has been no call for a ban on alcohol? Perhaps  
18 you're just waiting till they take away all our guns  
19 from the north before you take away our beer too.

20 The WCB has no power to eliminate the right of  
21 those people of B.C. This is not about the right to  
22 smoke, but the right to make a decision as an adult  
23 about something that is a very personal choice to  
24 some. The people of this province are beginning to  
25 fear the regulation of lifestyle and choices. The  
26 very fact that we are attending this hearing proves  
27 that the fear is not unfounded. The last time I  
28 looked, we were still a free country.

29 Thank you.

30 THE CHAIRPERSON: Thank you.  
31 Mr. George McDonnell?

32  
33 PRESENTATION BY MR. GEORGE McDONNELL, BX PUB, PRINCE  
34 GEORGE:

35  
36 MR. McDONNELL: Good evening.

37 THE CHAIRPERSON: Good evening.

38 MR. McDONNELL: My name is George McDonnell. I own and  
39 operate the BX Pub in Prince George and the Blackfish  
40 Pub in Gibsons, B.C.

41 I believe that smoke is a health issue, and I'm  
42 concerned for the health and well-being of my staff.  
43 I employ 60 people, some of whom have worked for me  
44 for more than a decade. All of the employees  
45 recognize the risk associated with working in a pub.  
46 There are risks that go with every job. It is our  
47 duty, and yours, to minimize these risks. However, we

## Presentations

1 can't shut down a whole industry to achieve this. An  
2 all-out smoking ban in pubs does not work. This is  
3 not speculation. The first 83 days of this year made  
4 that painfully obvious.

5 We as pub-owners, and you as regulators, need to  
6 find a way to minimize the smoke so that we can  
7 protect our staff and our customers. We must create a  
8 comfortable and safe environment that allows us to  
9 serve all our customers, both smoking and non.

10 I have a huge investment in my business. The pub  
11 business is market-driven. Our customers that smoke  
12 greatly outnumber those that don't. They generally  
13 stay longer and visit more frequently. Business  
14 people have opened non-smoking pubs and, in most  
15 cases, have been financially unsuccessful. I have a  
16 right to operate my business as I choose. I also have  
17 a financial obligation. I have an annual payroll in  
18 excess of \$500,000. After paying suppliers and  
19 government agencies, any monies that are left go into  
20 keeping the pub a place both customers and employees  
21 are proud to call theirs.

22 If there is a total smoking ban, I will be unable  
23 to generate enough revenue to meet these obligations.  
24 When we were forced by the WCB to comply with the  
25 regulation, we used all our financial resources and  
26 our savings just to meet our payroll. We were  
27 unwilling to lay off or reduce hours for any of our  
28 employees. After the first month, the loss in revenue  
29 became so great that for the first time ever I had no  
30 choice but to lay off employees.

31 When the smoking ban was first imposed, I  
32 expected our sales to decrease for a short period,  
33 during which people would adjust. Being a non-smoker,  
34 I greatly underestimated the loss of customers. I  
35 installed patio heaters and, although the customers  
36 appreciated the gesture, it proved to be a waste of  
37 money.

38 By this point, the staff were experiencing  
39 financial losses of their own. They organized a rally  
40 that fell on deaf ears. We held staff meetings to  
41 discuss the problems. Apart from the loss of their  
42 tips, the biggest complaint was the stress they felt  
43 being placed in the middle of this conflict. Instead  
44 of serving people, their job became one of constant  
45 apology and debate. Staff members that have always  
46 loved their job were at the point of not wanting to  
47 work. It's very difficult for our employees to

## Presentations

1 control smoking when our good customers are not  
2 actually breaking a law themselves by smoking in the  
3 pub.

4 The enforcement of this regulation was done with  
5 direction that was unfair. WCB targeted specific pubs  
6 in each community. My pub was the one that was chosen  
7 in Prince George. I was visited by the WCB three  
8 times -- three times in seven days and fined \$22,500.

9 Some other pubs were not even visited once.

10 I had the utmost respect for the WCB up until  
11 this point. The lack of consideration by the WCB for  
12 the employer forced a lot of honest business people to  
13 ignore the WCB regulation or look for legal loopholes,  
14 something none of us would ever consider doing  
15 otherwise. Some pub owners found legal ways that  
16 allowed them to operate outside the jurisdiction of  
17 the WCB. If the ban were to have continued, we all  
18 would explore these options. In doing so, none of  
19 these employees would be protected from any workplace  
20 hazard.

21 If an all-out smoking ban is forced on us again,  
22 it will for sure end up in court again. What if you  
23 lose? Who will protect the workers then? Because the  
24 smoke level will be as it is today. To prevent this  
25 from happening, we need to find effective means. This  
26 will also eliminate the huge cost of enforcing an  
27 impossible regulation.

28 In conclusion, as a responsible business owner,  
29 I'm willing to install an air-handling system that  
30 will minimize the smoke as required. I also believe  
31 that because pubs are age-controlled, they are the  
32 last places that smoking should be banned from. A  
33 smoking ban will not stop people from smoking. It  
34 will only stop them from coming to the pub. Where  
35 will they be smoking now?

36 Thank you.

37 THE CHAIRPERSON: Thank you.

38 Mr. Brian McBride?

39  
40 PRESENTATION BY MR. BRIAN McBRIDE:

41  
42 MR. McBRIDE: That was fairly quick. I didn't -- I'm just  
43 speaking here on my own behalf. First of all, I'm  
44 pleased to see the WCB here holding public hearings.  
45 I'm not a big believer in the heavy-handed use of  
46 power by any -- any form of government. I do support  
47 your anti-smoking stance.

## Presentations

1 I've worked for several years in a smoking  
2 environment; I have not enjoyed it. I worked in  
3 Kemess mine during two years of the construction of  
4 that facility and slowly watched the smokers invade  
5 all the non-smoking areas. They eventually took over  
6 the cafeteria so there was only two tables left. The  
7 general predominant attitude was if you don't like it,  
8 go outside. Well, Prince George only gets to minus  
9 40; up there it gets to minus 50, 55.

10 One of the -- one of the arguments I've heard  
11 some of the pub owners use, where were the non-smokers  
12 when the ban came in? Right here. I went up to  
13 Steamers twice, smokers both times. Forget it. I  
14 didn't bother going back. I went up to the Bonnet  
15 Hill pub. As I understand, the owner there is one of  
16 the -- one of the ringleaders of the protest against  
17 the WCB. I was up there the first two times; again,  
18 smokers. I used to go up cross-country skiing in the  
19 ski trails up there, so I'd stop on the way back for a  
20 pint. They imposed the ban not -- after putting up  
21 their posters. It makes a non-smoker feel really  
22 welcome.

23 I have friends of mine who work in the service  
24 industry that tend bar. They're there all day.  
25 Smoker will come in, sit down, have a couple of pints,  
26 have a smoke, and leave. In comes the next smoker,  
27 sits down, has a bunch of smokes, pints, and leaves.  
28 That friend of mine works behind that bar all day.

29 The service industry is not known for paying well  
30 generally as I understand. It's usually minimum wage  
31 and above and the employees depend on tips. I've  
32 heard the argument used by other people if you don't  
33 like your job, go work somewhere else. This is not  
34 the 1930s. I don't buy that argument. I believe  
35 everybody has a right to work -- has a right to work  
36 in a smoke-free environment and in a healthy  
37 environment.

38 I'm pretty basic in my way of rights. I feel  
39 rights only go as far as until they infringe upon  
40 somebody else's rights. I can -- I consider smoking a  
41 physical infringement and a well-documented  
42 infringement. I'm not here to put down anybody who  
43 smokes or whatever, I just want to pass on my  
44 experience working in a smoking environment and those  
45 of some of my friends.

46 Thank you very much.

47 THE CHAIRPERSON: Thank you. Is Mr. Steve Smith here? Mr.

## Presentations

1           Smith? Is there anybody else who wishes to speak this  
2           evening? Then we will adjourn until nine o'clock  
3           tomorrow morning.  
4

5           --- PROCEEDINGS ADJOURNED TO JUNE 16, 2000  
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Prince George, B.C.  
June 16, 2000

1 --- PROCEEDINGS COMMENCED AT 9:00 A.M.  
2

3 THE CHAIRPERSON: Good morning and welcome. This is a  
4 public hearing on proposed amendments to Part IV,  
5 Sections 4.82(3) and 4.83 of the *Occupational Health*  
6 *and Safety Regulation*. It's being held pursuant to  
7 Sections 225 and 226 of the *Workers' Compensation Act*  
8 of British Columbia. The proposed amendments are as  
9 follows, 4.82(3):

10  
11 An employer must ensure that a worker does not  
12 work in an indoor area where smoking is permitted  
13 under Section 4.81, except in an emergency, in a  
14 circumstance where entry is required to  
15 investigate for illegal activity, or until the  
16 tobacco smoke has been effectively removed.  
17

18 It is also proposed that Section 4.83 be deleted.  
19 These are the only two sections of the regulation that  
20 are under review at this time.

21 My name is Louise Logan and I am the Chair of  
22 these hearings. To my right is Mr. Edward Bates,  
23 legal counsel; to my far right, Mr. Thomas Kemsley,  
24 Vice-Chair; to my left, Mr. Wolfgang Zimmerman, member  
25 of our Panel of Administrators.

26 Just a few comments about the process we'll  
27 follow this morning. We are here to listen to your  
28 views. If presenters have questions, please address  
29 them to me as the Chair. I and other members of this  
30 Panel may also be asking questions from time to time  
31 in order to seek clarification or further  
32 understanding of a particular presentation.

33 Please speak at all times into the  
34 microphone  
35 as this hearing is being recorded and transcribed. To  
36 ensure that everyone has the opportunity to speak and  
37 be heard, presenters are asked to keep their  
38 presentations to the allotted time. I will remind  
39 presenters when they have five minutes remaining.

40 I remind everyone at this time that we are also  
41 accepting written submissions. Information about how  
42 to make a written submission is available on the sign-  
43 in desk outside this auditorium. We're offering the  
44 use of an overhead projector to those of you who wish  
45 to use visual materials. Please advise the sign-in  
46 desk in advance if you require the projector to be set  
47 up.

## Presentations

1           This is the first step in the review of the  
2 proposed amendments to the environment tobacco smoke  
3 provisions of the *Occupational Health and Safety*  
4 *Regulations*. Once this process is complete, all  
5 written and oral submissions will be examined. The  
6 final decision will be made by the Board's governing  
7 body, the Panel of Administrators.

8           Thank you for your interest and involvement in  
9 this hearing. We look forward to your presentations.

10  
11           Ms. Ryder, do you want to begin?  
12

13 PRESENTATION BY MICHELLE RYDER:  
14

15 MS. RYDER: Good morning. My name is Michelle Ryder and I  
16 am speaking as a worker. I've worked in the service  
17 industry since I was 14 years old. I am now 21. Most  
18 places I have worked have had a smoking environment  
19 and where I work now is by far the worst for smoke.  
20 Most smokers will agree, especially on a Friday,  
21 Saturday night, that it is the most smoky. I hear the  
22 comment, "Well, you knew that when you started there."

23           Well, yes, I did know that, and I also knew I was  
24 unemployed and didn't have a whole lot of choices  
25 where I was going to work. If I could have had a  
26 thirty, forty thousand dollar-a-year job in a nice  
27 smoke-free office, or work outdoors away from it, I  
28 think I would have done so. But I work where I do,  
29 and I enjoy my job and the people I work with as well  
30 as my tips.

31           I do expect to see -- I do not expect to see a  
32 full ban on the smoking. Prince George and other  
33 small cities rely on these -- on their regulars. What  
34 I would like to see, and I am sure others would agree  
35 with me, is a ventilation system installed where you  
36 can walk into a nightclub, pub, or any smoky  
37 atmosphere where there isn't a haze where you think  
38 you're stuck in the Bermuda Triangle. I hear there is  
39 air systems that remove 95 to 98 per cent of the harsh  
40 elements in the air.

41           Do not do a ban, but make it for -- make it so if  
42 an employer decides to keep his or her business  
43 smoking, there is a certain air quality that must be  
44 met. I am sure if businesses were as bad as it was  
45 said, spending the money on the air -- on the air  
46 systems would be in the best interest. I was told  
47 that the air systems were in the high thousands for

## Presentations

1 the best ventilation systems, but it would be the best  
2 result instead of heavy fines and loss of customers.  
3 That's the last thing B.C. businesses need right now.  
4 You never know; maybe more non-smoking clientele  
5 would pick up. A full ban was proven a disaster.

6 Also, I believe with the economy right now and  
7 the time WCB brought in the ban, right after  
8 Christmas, what was to be expected for business? I  
9 can't believe that it wasn't foreseen. I think if it  
10 was done in good taste and brought in a better time,  
11 say, April or even later, and given more time, the end  
12 result would have been different. Changes in life  
13 happen, even huge ones, and people do adjust.

14 Thank you.

15 THE CHAIRPERSON: Thank you.

16 Mr. Kevin Chartrand? Mr. Alex Michalos?

17  
18 PRESENTATION BY MR. ALEX MICHALOS, INSTITUTE FOR SOCIAL  
19 RESEARCH AND EVALUATION:  
20

21 MR. MICHALOS: I have -- I have extra copies of my paper if  
22 anybody wants it here. I don't know about the others.  
23 It takes me just 13 minutes to read it, so I think the  
24 best thing I can do is just read it if that's okay.

25 I appreciate the opportunity to comment on the  
26 proposed amendment to Part IV, Section 4.82(3), and  
27 the deletion of 4.83 of the *Occupational Health and*  
28 *Safety Regulation*. It seems to me that enforcement of  
29 the proposed changes will provide workers with greater  
30 protection of tobacco smoke inhalation and that is  
31 consistent with the mandate of the WCB. Therefore, I  
32 fully support the proposed changes.

33 I'm entering my 39th year of university teaching  
34 and my areas of specialization include social and  
35 political sciences and business ethics. This will  
36 partly explain my approach to the issues. Proponents  
37 and opponents of the proposed changes claim that their  
38 position is a matter of rights. On the one hand,  
39 smokers claim a right to smoke in public places with  
40 permission of proprietors, and proprietors claim a  
41 right to give such permission. On the other hand,  
42 non-smokers claim a right to access public places and  
43 a right to protection from the harmful effects of  
44 secondary smoke inhalation. Clearly, it's difficult,  
45 if not impossible, to reconcile the claims of both  
46 sides. Reasonable people may disagree on what counts  
47 as a good reconciliation or a good compromise.

## Presentations

1           There are lots of precedents involving similar  
2 problems and solutions have been crafted that often  
3 leave some people on both sides dissatisfied. The  
4 proposed changes we are considering will no doubt meet  
5 the same fate.

6           It's generally the case that rights and duties  
7 are correlated. A right is an entitlement or a  
8 special claim to something. If someone has a right or  
9 entitlement to something, then someone has a duty at  
10 least not to prevent that person from getting it and,  
11 at most, ensure that that person gets it. For  
12 example, if you have a right to smoke in a restaurant,  
13 then I have a duty at least to let you smoke and, at  
14 most, to ensure that you are able to smoke.  
15 Similarly, if you have a right to dine in a restaurant  
16 free from the harmful effects of secondary smoke  
17 inhalation -- sorry -- if I have that right, then you  
18 have a duty at least to let me enjoy that right and,  
19 at most, to ensure that I'm able to enjoy that right.

20           In short, besides disagreeing about whether or  
21 not someone has some particular right, reasonable  
22 people may disagree about whether that right entails a  
23 duty to merely refrain from preventing someone from  
24 enjoying the right or the more burdensome duty of  
25 undertaking actions that will guarantee enjoyment of  
26 the right.

27           As I see it, the WCB is an organization with a  
28 legal and moral mandate or duty to undertake actions  
29 that will guarantee workers a safe work environment.  
30 The proposed changes regarding smoke inhalation at  
31 work are squarely within that mandate. Insofar as WCB  
32 has a duty to guarantee such environments to workers,  
33 those who claim they have a right to work in such  
34 environments and to have access to such environments  
35 are correct; their right follows from the duty  
36 assigned to WCB with the full force of the law behind  
37 it.

38           There are similarities between the case of people  
39 urinating in public swimming pools and the case of  
40 people smoking in public buildings. Those who operate  
41 public swimming pools have a duty to guarantee that  
42 the water is safe from the pollution resulting from  
43 swimmers urinating in the pool, and swimmers have a  
44 right to safe water. Just as it would be wrong for  
45 swimmers to pollute the water and wrong for pool  
46 operators to fail to protect swimmers from such  
47 pollution, it is wrong for smokers to pollute the air

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1 in public buildings and for building operators and the  
2 WCB to fail to protect non-smokers from such  
3 pollution.

4 No one would reasonably claim a right to urinate  
5 in a public pool simply because it is a public pool.  
6 Just so, it's unreasonable to claim a right to pollute  
7 the air people breath in a public building just  
8 because it is a public building. Being a public place  
9 is not a sufficient condition for using the place in  
10 any old way. The fact that you and I both pay to swim  
11 in a pool does not give you the right to make the pool  
12 environment unsafe for me.

13 What is true of the pollution of swimming pools  
14 is also true of the pollution of public watersheds and  
15 waterways. Quite reasonably, there are laws against  
16 running one's private sewage or depositing one's  
17 garbage into public watersheds. Governments at  
18 various levels have a duty to prevent people from  
19 using public watersheds as private toilets, and  
20 citizens have a right to not have their watershed  
21 polluted.

22 The fact that a public watershed is a public  
23 resource does not give citizens the right to use it  
24 any old way. On the contrary, the fact that it is a  
25 public resource implies that the public has a  
26 collective right to manage the resource somehow.

27 Noise pollution is another case in which  
28 communities pass legislation to guarantee that people  
29 do not abuse their right to free expression by  
30 destroying their neighbour's eardrums with ghetto  
31 blasters, loud parties and high-powered engines  
32 without mufflers. Of course, people have a right to  
33 listen to music and have parties in their own homes,  
34 but this right is not a licence to destroy the  
35 tranquility of a neighbourhood.

36 It is possible for a community to collectively  
37 decide that the best way to manage a public resource  
38 is to privatize it and to let owners decide its fate.  
39 Broadly speaking, Canadians in general and British  
40 Columbians in particular have not decided to use  
41 privatization as a means for protecting citizens'  
42 rights to pollution-free water and air. On the  
43 contrary, we have maintained public watersheds and  
44 waterways and crafted legislation and other means of  
45 protecting citizens from water pollution.

46 The recent events around water pollution in  
47 Walkerton remind us of the dangers of good legislation

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1 without good monitoring and enforcement. We also have  
2 air pollution legislation and its attendant mechanisms  
3 for protecting citizens from the harmful effects of  
4 polluted air.

5 People in Prince George often say that the air  
6 pollution effects from the mills, the refinery, and  
7 the roads are much more harmful than the pollution  
8 from secondary tobacco smoke. I don't know if that is  
9 true or not. I suspect that it is. However, the fact  
10 that there are greater evils in our air from other  
11 things is not an argument against trying to prevent  
12 the evils of tobacco smoke pollution. Clearly, we  
13 must try to prevent pollution from all sources, and  
14 the proposed WCB amendments address one of those  
15 sources. Personally, I hope that other agencies are as  
16 proactive as WCB in addressing other sources of  
17 harmful air pollution.

18 You will no doubt hear over and over that the  
19 evidence for the harmful effects of tobacco use is  
20 beyond reasonable doubt. Lifetime smokers who do not  
21 use the product in any particularly extreme way, who  
22 are not negligent, and who do not have accidents with  
23 the product, still have a much higher risk than non-  
24 smokers of horrible diseases and deaths as a result of  
25 using the product. So far as I know, there is no  
26 other product that is sold legally about which this  
27 can be said which makes tobacco quite unique.

28 The expected long-run cost to our communities and  
29 the human race for continuous addiction to and  
30 dependence on tobacco are greater than the expected  
31 long-run benefits. So, as a matter of long-term  
32 policy, we should be finding ways to end that  
33 addiction and dependence. The proposed WCB amendments  
34 are precisely that, ways to reduce the addiction and  
35 dependence on tobacco usage.

36 Some people say that if tobacco is so dangerous,  
37 then its use should be prohibited. They claim that  
38 governments and those of us who call for greater  
39 restrictions are inconsistent and perhaps cowardly for  
40 not calling for total prohibition. I do think that  
41 sometime in the future, tobacco will be a prohibited  
42 substance, but I think that future is still some way  
43 off. I also think that because there are so many  
44 people addicted to the product, it would be a mistake  
45 to try to legislate total prohibition. It's not just  
46 smokers who are hooked on tobacco products.  
47 Practically every corner store in the country sells

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1 tobacco products, and governments get substantial tax  
2 revenues from such products. As a nation, we are  
3 sadly hooked on tobacco, even though over two-thirds  
4 of Canadians do not smoke.

5 Nevertheless, in poll after poll, Canadians  
6 express their desire to break the habit. The only  
7 question is how. The answer to this question seems  
8 clear. Governments and the rest of us must alter the  
9 benefit/cost ratio of tobacco use by decreasing the  
10 profits and increasing the costs connected with it.  
11 The WCB amendments will help by making it more  
12 difficult for people to smoke in public buildings.  
13 The Ministry of Health's ads and other campaigns  
14 against smoking will make smoking less attractive and  
15 will make people better understand the serious health  
16 risk in smoking.

17 Revenue ministries' additional taxes on the  
18 products will literally drive up the cost of usage.  
19 The Canadian Cancer Society and Heart and Lung  
20 Societies' campaigns will also help. Programs in  
21 schools will help. Court challenges against tobacco  
22 companies will help. I believe that we will reach a  
23 point where sales are controlled just as alcohol sales  
24 are controlled, but then we will get to a point in the  
25 future when there will be total prohibition, and I  
26 think that will be a major human triumph over a very  
27 significant evil.

28 Since it's likely that the tobacco industry here  
29 will be shrinking significantly in the coming years,  
30 we should be trying to make the phasing out of this  
31 industry as painless as possible to all concerned. We  
32 should be encouraging people in the industry to  
33 increase investments in retraining workers so they  
34 have a better chance to find alternative employment  
35 and to increase investments in research and  
36 development to find some harmless uses for tobacco  
37 products, if there are any. We should also be  
38 increasing taxes on tobacco and using the revenues for  
39 training and increased R and D related to tobacco.

40 Finally, I think it's unfair to the vast majority  
41 of non-smoking citizens that they are charged the same  
42 amount as smokers for health care. It's reasonable  
43 and fair that accident-prone drivers must pay greater  
44 insurance fees than safe drivers. In fairness to non-  
45 smokers, smokers should be charged two or three times  
46 as much as non-smokers for health care because by  
47 smoking they voluntarily put themselves at risk of

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1 disease two to three times greater than non-smokers.  
2 Just as smokers do not have a right to make the rest  
3 of us sick, they do not have a right to take a free  
4 ride on our payments to the health care insurance  
5 system. Again, I hope that other government agencies  
6 will be as proactive as WCB and make smokers pay their  
7 fair share of the total cost of health insurance.

8 That's it.

9 THE CHAIRPERSON: Thank you.

10 MR. MICHALOS: Any questions?

11 THE CHAIRPERSON: No. Thank you.

12 MR. MICHALOS: Right, thanks.

13 THE CHAIRPERSON: Mr. Doug Barrett? Good morning.

14  
15 PRESENTATION BY MR. DOUG BARRETT, COAST INN OF THE WEST,  
16 TERRACE:  
17

18 MR. BARRETT: Good morning. My name is Doug Barrett. I  
19 come from the Coast Inn of the West in the community  
20 of Terrace. I had a long drive yesterday to come down  
21 to the hearings. Coming down to the hearings I had a  
22 speech prepared. I was here last night listening to  
23 the issues and the tabling and there seemed to be a  
24 lot of bantering back and forth, more whining than  
25 looking for issues or answers.

26 Some of the things that I thought of coming down  
27 were key issues that need to be addressed or looked at  
28 as far as the entire environmental tobacco smoke issue  
29 comes up. Number one is the smoking ban or the ETS  
30 regulation itself and how it was implemented in  
31 January. Number two is the control of the way the  
32 regulation was enforced sporadically throughout the  
33 province. Number three, the effect that the smoking  
34 ban had on business, and then the effect the ban had  
35 on being dropped after, after the 80 days, what it did  
36 to business as well.

37 Going back to my first point, implementation of  
38 the ban. Nobody really in the industry believed it  
39 was going to happen. When it did happen in January we  
40 saw our businesses actually take quite a hit. Looking  
41 at past history of budgeting and forecasting of our  
42 businesses, we have an assumption of what we're going  
43 to do in January. Well, the real fact of the matter  
44 is we did a third of what our budget said.

45 Going back again and trying to figure out where  
46 the issue was realistically, we had a wait and see  
47 look on our business on how things would come out.

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1 The reality was our smokers were leaving. We proudly  
2 can say we had a 100 per cent compliance to this.  
3 People came in with a cigarette, they were asked to  
4 put it out or leave. We chased people out of our  
5 businesses.

6 The area in which I live, there were two  
7 businesses that did not comply. It was openly stated;  
8 it was on the news. These people picked up the  
9 business. Now, when the ban is dropped, the situation  
10 is we have regular guests who frequented our place  
11 suddenly have a new place to frequent. Getting them  
12 back is the issue that business has to be able to be  
13 free enterprise. Having the ban, we lose that chance  
14 to have the free enterprise because if it can't be  
15 implemented in 100 per cent of the places, then why  
16 are we doing it at all?

17 My second point with the control of the  
18 enforcement, looking at the 100 per cent ban, it's  
19 going to become an underground situation for everyone.  
20 We're going to have underground smoking bars which is  
21 evident already. Looking through my community as  
22 well, there are places, people's basements, the back  
23 of someone's auto garage, all those areas were being  
24 used as a background or an underground setup. It was  
25 quite interesting to watch it happen.

26 Looking for the ventilation solution, I  
27 understand there are a lot of issues out there. There  
28 is no 100 per cent clear air situation that we can  
29 come up with, but there needs to be some type of a  
30 situation that we can actually both get along and both  
31 have a trust factor going. If a ventilated room is  
32 there, which we did put in in February, then that  
33 issue should be exercised or tried out.

34 The room we put in in February, we had it done in  
35 a week. We did it really fast because we realized we  
36 had an opportunity because we had a room right inside  
37 our cabaret that was not licensed. Therefore the  
38 liquor inspector did not need to go in. On the Monday  
39 after the first weekend, we were visited by WCB, three  
40 inspectors. The situation that arose was we had to  
41 meet the 50 cubic feet per minute session, or air  
42 quality movement. For each door open, singularly, we  
43 had 83. I thought I'd passed. Then we had to open up  
44 both doors. Both doors were held open for five  
45 minutes. During that time, one door failed; 36 is  
46 what I ended up with. I asked for a re-measurement,  
47 so March the 3rd we were re-measured again. The

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1 opposite door failed, the other door passed. So  
2 suddenly I had the question of how valid is this test?

3 How can you tell me that this door passed one day and  
4 failed the next? Nothing was done to the ventilation  
5 system; it was installed and left.

6 So I had a question on that situation. This is a  
7 trust factor that I question. When I had the second  
8 measurement, it was for the interest sake of saying as  
9 a business person in B.C., what are my rights? How do  
10 I work this out to the best of the ability for the WCB  
11 and for my employees?

12 My employees are now in the situation where after  
13 the ban was lifted, we've seen a change in business.  
14 What's happened -- it's hard to describe, but the non-  
15 smokers almost started to come out and we were looking  
16 at this issue. With a smoking room, the bar was  
17 smoke-free. The smokers, begrudgingly, put down their  
18 drinks, walked in and had a cigarette, came back out  
19 again. The non-smokers started looking at this issue.  
20 Then suddenly the ban was dropped. So the  
21 implementation failed; therefore, investment failed on  
22 our behalf as well.

23 Then the situation of lifting the smoking ban, we  
24 had no alternative; we went back to smoking. The non-  
25 smoking clientele that were looking at the issue of  
26 coming in on weekends now don't come out on weekends.  
27 The non-smokers that used to come out on the weekends  
28 before January with the smoking crowd don't come out  
29 on weekends. So now we're in a situation where we  
30 have, begrudgingly, smokers coming out triumphantly  
31 winning. We have non-smokers now stating, "We've  
32 lost," and don't come out at all.

33 We have a mix happening again now. It's June;  
34 it's been six months. Our numbers still have not  
35 recovered. We're in the business of making a profit.  
36 The profit margin is, in hotels, food and beverage and  
37 rooms. We have smoking rooms in our hotel for our  
38 guests. The policy that was in place in January for  
39 my chambermaids and housekeepers was to quickly run  
40 into the bathroom, turn on the bathroom fan, run  
41 quickly to the window and open the window. It's minus  
42 24 in Terrace in the wintertime. I have guest rooms  
43 that are getting air blown in at minus 24. I'm also  
44 paying the heating bill. Gas is going up this winter.

45 Now we're in a situation of when this ban is  
46 implemented, which direction are we going?

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1           Our main goal is survival.           January was  
2 crippling, February was crippling. The situation is  
3 now we need to make sure we don't have this happen  
4 again. If we're going to comply 100 per cent,  
5 everyone will. If everyone isn't going to comply 100  
6 per cent, you're going to have problems.

7           We would like to see some form of a solution,  
8 some form of a workable area that's going to come up  
9 for us, that we have no other area to fight with  
10 except with each other, and that's open competition.

11           I understand smoking is a quick way to a grave.  
12 Second-hand smoke, I'm sure, is as well. Having put  
13 an investment into the situation, I have a career  
14 choice myself. I'm going to have a bar, I'm going to  
15 have hotel rooms. I'm going to serve alcohol. I have  
16 a liability with that as well called "Serving It  
17 Right". All of my employees have it as well, so that  
18 issue is covered. So we're looking for some form of  
19 clarification, whether it's 100 per cent smoking or  
20 100 per cent non-smoking, but I cannot see that  
21 implementation happening. That's where my concerns  
22 lay.

23           In closing, I do thank you for setting the  
24 hearing this morning. I couldn't get onto it  
25 yesterday. The one area that I do consider to be a  
26 flaw and the flaw is there's four locations in the  
27 province. I've driven six-and-a-half hours to get  
28 here. I now am going to fold up my book and get back  
29 in my car and drive six-and-a-half hours home. I've  
30 taken two days off work to do this. I'll get home  
31 today about 4:30. I'll go into my office and I'll  
32 work till eight o'clock at night just to catch up on  
33 the calls I missed.

34           I have a WCB office that's three blocks from my  
35 hotel. If the issue was in Terrace I would have  
36 donated the room to save myself this two-day trip,  
37 just to have the hearings within our community. I  
38 know of other people who've traveled this distance as  
39 well. If we do have a second route [sic] of hearings,  
40 I would really appreciate having the situation closer  
41 to home so we can actually have a little more impact.

42           I know I'm the only one from Terrace here, and I was  
43 really hoping I could see some more faces, but there  
44 aren't.

45           So I'd like to thank you very much.

46 THE CHAIRPERSON: Thank you. Mr. Kevin Chartrand? Mr.  
47 James Loughery? We'll just give people a few minutes

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1 to arrive. Is there anybody else who wishes to speak?  
2  
3 MR. CLARENCE: Can I go there?  
4 THE CHAIRPERSON: Absolutely. You'll have to speak into  
5 the microphone, sir.  
6 MR. CLARENCE: I'm sorry. I got to get close to you  
7 because I'm on my deaf side.  
8 THE CHAIRPERSON: Ah, okay.  
9 MR. CLARENCE: Sorry about that.  
10  
11 PRESENTATION BY MR. CLARENCE:  
12  
13 MR. CLARENCE: All I wanted to say, I'm not a smoker, never  
14 did smoke in my life. But I was at the casino last  
15 night for half an hour, and I asked this gentleman, I  
16 said, "Can you stop smoking? At least respect the  
17 other guy beside." He started to laugh. What better  
18 picture you got there, it's right there. You got  
19 cameras, you got everything in there. You got to go  
20 to casino. I ask again. This other guy on the other  
21 side, he put his cigarettes away. But the other guy  
22 beside me, he keep on smoking. Mind you, he was  
23 young.  
24 He said it takes a man to smoke. "Well," I said,  
25 "That's up to you."  
26 So that's -- what I'm saying, you got a camera  
27 over there. Ask for the tape and you'll see it. It's  
28 truth. I mean that's -- and I got a father who die  
29 who smoke, I got two brothers doesn't smoke. I never  
30 did smoke myself. I mean that's up to you people, but,  
31 me, I'm against smoking. I mean that's up to you.  
32 I'm sorry, I didn't know -- then I'm not too good  
33 on paperwork, so I mean --  
34 THE CHAIRPERSON: No, well, thank you for --  
35 MR. CLARENCE: Okay?  
36 THE CHAIRPERSON: Thank you.  
37  
38 --- PROCEEDINGS RECESSED AT 9:35 A.M.  
39 --- PROCEEDINGS RESUMED AT 9:45 A.M.  
40  
41 THE CHAIRPERSON: Okay. We'll reconvene. James and Ellen  
42 Loughery? Good morning.  
43  
44 PRESENTATION BY MR. and MRS. LOUGHERY:  
45  
46 MR. LOUGHERY: Jim Loughery. Don't let that scare you, I'm  
47 not going to read all of that. My name is James

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1 Loughery. I'm here as an individual citizen and my  
2 wife and I are frequent customers of local smoke-free  
3 restaurants. I want to make it clear that I'm not  
4 here representing a tobacco company, and I'm not here  
5 representing the NDP. It looks like I see some  
6 propaganda over there that says, "The NDP forbids you  
7 from smoking," and such-and-such. I don't represent  
8 the NDP either.

9 I'm speaking in favour of the revised  
10 environmental tobacco smoke provisions which are the  
11 subject of this hearing. I'm not funded by any group  
12 or corporation, a claim that I understand cannot be  
13 made by all of those whose testimony you've heard.  
14 I've read of the courtesy of choice program of the  
15 tobacco companies. I hope that you will take their  
16 interference into account in your deliberations.

17 My family enjoyed three months this year when we  
18 could eat comfortably in most restaurants and some  
19 pubs in this town. Now many of these places are  
20 unavailable to us since they have returned to allowing  
21 smoking. The core issue here is employee health and  
22 safety. Should people be forced to work in an  
23 environment where they are exposed to carcinogens and  
24 other poisons in the air? With local unemployment at  
25 over 15 per cent, these employees do not have the  
26 option of refusing to work in an unhealthy environment  
27 if an uncaring employer demands it. Their only hope  
28 is the WCB and its regulations.

29 I'm reminded of the case of the exploding Ford  
30 Pinto. Ford calculated they could maximize profit by  
31 refusing to fix the defective cars and allowing some  
32 people to die. This was statistical murder. Ford did  
33 not know who would die in their cars, but they had a  
34 good idea of the numbers. The case of restaurant and  
35 pub workers is analogous to that of Pinto passengers.

36 A number of them will die if we force them to work in  
37 an atmosphere of second-hand smoke. We just don't  
38 know which ones it will be.

39 Owners of establishments who oppose this ban on  
40 smoking are asking our permission to commit  
41 statistical murder and they want to sacrifice all of  
42 their customers as collateral damage. They want to  
43 force me and my family to suck in smoke as a price of  
44 eating out. I don't want my family to be poisoned by  
45 their greed. I do not want to be confined to my home  
46 for meals.

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1           When this revision is enacted, which I hope it  
2 is, I hope to see no more of this silliness of sending  
3 letters to those who do not comply. All employers  
4 will be aware of the rules. Their premises should be  
5 padlocked until they agree to comply with the  
6 regulations.

7 MRS. LOUGHERY: My name is Ellen Loughery. I am here to  
8 state unequivocally that I am opposed to smoking in  
9 restaurants and pubs. Second-hand smoke kills. My  
10 father never smoked a day in his life, yet he died of  
11 lung cancer. My mother, on the other hand, smoked for  
12 50 years.

13           Because of his illness, Dad lost the ability to  
14 sing bass in the church choir and in his men's choral  
15 group. He lacked the breath. He was deprived of  
16 playing his beloved tuba in the Champion Firemen's  
17 Marching Band. He lacked the stamina. But, perhaps  
18 worst of all for him, he could no longer take his  
19 grandsons fishing. He lacked the energy.

20           He received no sympathy from my mother as she  
21 could not face the reality of his dying. She may have  
22 also harboured some guilt for contributing to his  
23 death.

24           A good night's rest was impossible for my dad. If  
25 he tried to lie down, he would choke on his lung  
26 fluid. I recall on my father's final day of life that  
27 he was wrapped in indignity. On my final visit him,  
28 this life-loving once-energetic man was confined to a  
29 hospital bed with breathing apparatus that gave little  
30 relief. His modesty was compromised by the required  
31 hospital gown, the kind with the flap in the back.  
32 His legs swelled to elephantine proportions because  
33 his body ceased to eliminate the toxins.

34           I am sharing this with you because I feel if this  
35 anti-smoking proposal fails to be adopted, a legacy  
36 similar to my father's awaits the employees of pubs  
37 and restaurants in Prince George. I implore the WCB  
38 to place life and quality of life before profits and  
39 reinstate the anti-smoking proposal.

40           Thank you.

41 THE CHAIRPERSON: Thank you.

42 MR. LOUGHERY: Thank you for your time.

43 THE CHAIRPERSON: Is there anybody else who wishes to  
44 speak? We'll await the next speaker.

45           Okay. We'll reconvene. Ms. Heather Hess? Good  
46 morning.

47

## Presentations

1 PRESENTATION BY MS. HEATHER HESS, OUTRIGGER BAR AND GRILL,  
2 FORT. ST. JOHN:  
3

4 MS. HESS: Good morning. My name is Heather Hess. I am  
5 here representing the Outrigger Bar and Grill located  
6 in Fort. St. John, and I am a responsible employer. I  
7 would like to say for the record that we are adamantly  
8 against the proposed amendment. I would also like to  
9 stress that the health and welfare of our staff is a  
10 priority. Besides their physical health, we are also  
11 concerned about their mental and financial health.

12 This amendment will force us to lay off and cut  
13 the hours of our valuable staff. We also feel  
14 strongly that our staff should not have to enforce  
15 this amendment.

16 For those of you who have never been as far north  
17 as Fort. St. John, we would like you to consider the  
18 following when making your decision on this matter.  
19 The adverse weather conditions we endure such as  
20 temperatures of 40 below, eight months of snow, and  
21 short summers. We also lack the facilities and  
22 population for entertainment such as live theatre,  
23 music, concerts, et cetera, that is found in the  
24 larger centres like the Lower Mainland. Our  
25 entertainment is the pubs and cabarets.

26 We would truly love to be able to use our patios  
27 for longer than a few weeks a year. If it was  
28 feasible, we would all install heaters and awnings to  
29 keep these patios open all year. Unfortunately, there  
30 isn't a heater capable of warming a patio at 40 below,  
31 or when the snow is blowing and drifting.

32 Therefore, we would like this Panel and the  
33 powers that be to consider a viable, realistic, and  
34 affordable ventilation system that would allow us to  
35 stay in business, keep our employees safe and  
36 employed, and meet the concerns of the WCB.

37 Our little pub employs approximately 20 people,  
38 19 of which are smokers. When I discussed the  
39 proposed amendment with them, I discovered that not  
40 one of them had ever been approached by WCB on this  
41 matter. If your concern really is the health of the  
42 employees, why are these meetings not being held in  
43 every town and city in the province so that all  
44 employees have the opportunity to voice their  
45 opinions?

46 Since I had to register to speak today and give  
47 my name, address, phone numbers, et cetera, I would

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1 very much appreciate answers in the near future to the  
2 previous and the following questions.

3 Have the employees who are going to be directly  
4 affected by this amendment been asked how they feel  
5 about this amendment? Why hasn't anyone from the  
6 North been appointed to this Panel or to the body  
7 making this decision? When may we expect a decision  
8 on the proposed amendment? If this amendment is  
9 passed, when will the changes be implemented and how?

10 Will this amendment be enforced fairly and what  
11 guidelines are in place to control this? Will there  
12 be another snitch line and, if so, what controls will  
13 be placed on it or will it be a free-for-all like  
14 before? Will there be a line for the employees where  
15 they can phone in or fax their opinions considering  
16 this is their livelihood we are discussing? Timely  
17 response to these questions would be greatly  
18 appreciated.

19 In closing, I would like once more to stress that  
20 we are opposed to this amendment.

21 Thank you.

22 THE CHAIRPERSON: Thank you.

23 Mr. Floyd Crowley? Mr. Victor Bowman -- or, sorry --  
24 Bonnie -- no, Mr. Victor Bowman. Ms. Bonnie Nordal?  
25 Good morning.

26  
27 PRESENTATION BY MS. BONNIE NORDAL, OUTRIGGER PUB, FORT ST.  
28 JOHN:

29  
30 MS. NORDAL: Good morning. My name is Bonnie Nordal and  
31 I'm here representing the employees of the Outrigger  
32 Pub in Fort St. John, B.C.

33 I would just like to start out by saying that I  
34 am definitely against the amendment and so are the  
35 employees I represent. I've been in the industry  
36 myself for over 20 years, served many, many customers,  
37 the majority being smokers. I've worked in Alberta,  
38 southern B.C., and northern B.C. I really don't feel  
39 the geographical areas really change the habits of  
40 people drinking in bars.

41 As Heather stressed, the north country has very  
42 limited entertainment. We have no theatre, very  
43 little culture. We're dealing with loggers, rig  
44 workers, and even if we did have, I don't think that  
45 they would attend such functions.

46 Our winters are long and cold and we are not in a  
47 position to ask our customers to go outside and smoke.

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1 I believe that when the smoking ban was in, the snitch  
2 line that the WCB had was mainly for the customers or  
3 other owners that were phoning in for the owners that  
4 weren't complying so that WCB could levy fines on the  
5 owners. I don't believe it was for our interest at  
6 all; I really don't.

7 I feel that the fines imposed by the WCB are just  
8 a cash grab for the government, not -- not in our  
9 interest at all. How are we benefiting from these  
10 fines? What's it doing for our jobs? You know, I  
11 believe you -- they sell the product, they make money  
12 off it, and then fine the owners and hold us  
13 responsible for non-compliance.

14 I also agree with the freedom of choice that the  
15 owners should be able to run their bars the way they  
16 see fit. If they want a non-smoking bar, then that's  
17 fine, they should be allowed to have one. But other  
18 than that, I don't believe any single body of  
19 government should dictate how they run their business.  
20 And I don't believe it will work, not in the north  
21 country. I was up Kemess -- I heard somebody speak  
22 about Kemess yesterday and the non-smoking and how put  
23 out he was. Well, there was 700 construction workers  
24 up there. You know, we tried to tell them they  
25 couldn't smoke and they were putting their cigarette  
26 butts out, smoking in unsafe places. All it did was  
27 create more problem. It didn't -- it wasn't a  
28 solution at all.

29 As I said, for the last 20 years, I have worked  
30 in bars. And as a single parent without a university  
31 degree, and without a lot of education, it's allowed  
32 me to raise my daughter without having to go to  
33 Welfare or being unemployed. I believe that the  
34 people that are laid off due to the smoking ban are  
35 going to be at a loss. They don't have the education.

36 What are we going to do? When we don't have a job,  
37 where are we going to go?

38 I also am concerned about the safety issue of  
39 having the customers and the staff -- I'm a bartender.  
40 I have a lot of young waitresses, 19, 20 years old,  
41 very pretty girls that work under me. They're going  
42 to be outside with intoxicated patrons having  
43 cigarettes at eleven and twelve o'clock at night.  
44 Who's responsible for their safety? You know, none of  
45 these things are really being considered.

46 As far as our regular customers, I believe that  
47 we will lose whatever control we have, and it isn't,

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1 you know, an extreme amount now. We're going to lose  
2 that. They're going to have alcohol in their car,  
3 they're going to be tempted to drive. You know, we  
4 can't go out in the parking lot and patrol these  
5 things.

6 The "Serving it Right" ticket, if this ban goes  
7 through, is totally senseless. Our regular customers,  
8 they will gladly take a taxi when they're being asked,  
9 but if they're being in and out of their vehicles all  
10 night smoking, I believe they will be tempted to  
11 drive. I believe it will increase the number of  
12 impaired drivers.

13 If this amendment is passed, I'd like to know how  
14 WCB expects me, as a female that weighs 135 pounds, to  
15 enforce this. I'd like to ask this Panel now, like  
16 what is my responsibility as an employee? How do I go  
17 up to a group of six intoxicated oil-rig workers and  
18 tell them to put their cigarette out, and if they  
19 don't comply, what do I do? I phone the police every  
20 15 minutes to get them to put their cigarettes out?  
21 You know, I just think it's all so senseless.

22 I also have seen in Fort St. John that by forcing  
23 the owners to find other avenues to get around the  
24 smoking ban, WCB is turning what were once amiable  
25 business acquaintances into cut-throat enemies. You  
26 know, these bar owners are turning each other in, or  
27 vying for whatever is left for paying customers. If  
28 they can get them to drink in their bar, they'll allow  
29 them to smoke. Like it's -- the whole thing is not  
30 fair. So either way, we still lose customers.

31 But when I don't have a job in this industry  
32 because of the smoking ban in hotels and pubs has  
33 forced my employers and many others to lose their  
34 jobs, is WCB willing to retrain me? Are you going to  
35 give me an education that I can do something else?

36 You know, I'm concerned for anybody under the age  
37 of 19. I believe that they shouldn't be exposed. I  
38 am a smoker. Like Heather said, there's 19 out of 20  
39 of us that smoke. I don't drink. I respect -- if I  
40 go somewhere, I don't smoke, in a private dwelling.  
41 But I don't believe WCB has a right -- when the  
42 government sells this stuff -- to say no, you can't  
43 smoke in somebody's business establishment.

44 Once you're 19, or an adult, you make the  
45 choices. You make the choices to drink, do drugs,  
46 smoke cigarettes. I mean cigarettes are not the only  
47 thing out there that kills; let's face it.

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1 I am definitely against the proposed WCB  
2 amendments and I'm really sorry to see that there  
3 isn't more employees here, but unfortunately because  
4 they were held in Prince George -- the people that  
5 work in this industry don't make a great amount of  
6 money and can't afford to take two or three days off  
7 work and come here and speak on our behalf. You know,  
8 if it was held in the North Peace, I believe we would  
9 have had a good turnout of employees that would come  
10 in and tell you the same things I'm telling you, that  
11 we are against this.

12 Thank you.

13 THE CHAIRPERSON: Thank you. Mr. Larry Kidd? Good  
14 morning.

15  
16 PRESENTATION BY MR. LARRY KIDD:

17  
18 MR. KIDD: Good morning. I'm aware that many of the  
19 presentations made to these WCB hearings have been  
20 based on discussion points that have been provided by  
21 tobacco companies. I know that the companies are  
22 denying it, but tobacco companies also told us that  
23 smoking doesn't cause cancer, that second-hand smoke  
24 isn't detrimental to one's health, that they don't  
25 target cigarette advertising at children, that they  
26 have had no involvement in the smuggling of  
27 cigarettes, and that they've never increased the  
28 addictive effect of tobacco by altering its  
29 ingredients.

30 Needless to say, I think we should feel -- we  
31 should view any denials by the tobacco companies with  
32 a great deal of scepticism. Now, this same tobacco  
33 industry is in full damage control mode. In fact,  
34 this week the tobacco companies, under duress,  
35 announced they were co-operating with government to  
36 develop a working strategy to reduce youth smoking.

37 As if these hearings don't have enough to deal  
38 with, I believe the Workers' Compensation Board has to  
39 come up with a strategy to deal with the prospect of a  
40 15-year-old teenager working at minimum wage in a  
41 smoke-filled restaurant. These are youths that aren't  
42 even old enough to legally purchase cigarettes, yet  
43 they are exposed to its dangerous by-products for  
44 eight consecutive hours a day.

45 I've lived and worked in Northern B.C. all my  
46 life. This is the furthest south I've ever lived, as  
47 a matter of fact. In my working life, I've been told

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1 to operate loud machinery without hearing protection,  
2 I've applied poisonous fungicides without gloves or  
3 face masks, I've handled cadmium-coated fasteners, and  
4 I've unloaded leaking PCB cold transformers without  
5 any protective clothing. In the year 2000, I know  
6 that workers have the right to refuse these types of  
7 tasks. But in 1980, many workers and employers were  
8 not aware or refused to admit the potential dangers in  
9 the workplace until it was too late. When made aware,  
10 many employers denied any potential harm or claimed  
11 that protective measures were exceedingly expensive or  
12 damaging to competitiveness.

13 We've reached a similar state of affairs with  
14 regard to second-hand smoke. For myself, the damage  
15 has been done. However, I feel compelled to speak in  
16 the defence of my children who will soon enter the  
17 work force. It's very disturbing that the hospitality  
18 industry would choose to continue to jeopardize the  
19 health of their employees and the future health of my  
20 children. It's an industry that has used a myriad of  
21 rationale in their campaign to continue to endanger  
22 the health of its employees. Certain members of the  
23 hospitality industry still insist that the very  
24 concept of health risks due to second-hand smoke is  
25 not valid.

26 Other members of the hospitality industry insist  
27 that the health concerns will be addressed by modern  
28 air exchange equipment that they and the tobacco  
29 companies claim reduces levels of contaminants to the  
30 most infinitesimal level.

31 Hospitality industry representatives claim that  
32 second-hand smoke is not an issue because, well,  
33 because all my workers smoke, so eliminating second-  
34 hand smoke really isn't doing any harm reduction. As  
35 a further extension of this no-reduction of harm  
36 theory, some employers even insist that they will only  
37 hire smokers; therefore, we really aren't affecting  
38 the health of prospective non-smoking employees.  
39 Aside from an obvious human rights angle, it's kind of  
40 like the coal mines only hiring people that already  
41 have black lung disease.

42 Some hospitality representatives say that not  
43 allowing smoking would deny us our right to our  
44 northern lifestyle. This argument, apparently, also  
45 endorses other northern lifestyle choices such as  
46 drinking and driving, drug abuse, and poor eating  
47 habits. Subsequently, I could see it would also

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1 oppose laws such as seat belt usage and impaired  
2 driving and the such.

3 Some hospitality representatives even wrap  
4 themselves in the Canadian flag and claim that this  
5 isn't a health issue, it's a human rights issue, and  
6 they are doing the patriotic thing by supporting the  
7 smoking minority in their quest for equal rights.

8 We have proof beyond any doubt that second-hand  
9 smoke can be fatal. It causes the same diseases as  
10 smoking, can trigger the same illnesses as smoking,  
11 and has the same effects on wellness as smoking. The  
12 entire harm reduction argument reflects an attitude  
13 towards worker safety that I had thought had  
14 disappeared at the beginning of the industrial  
15 revolution. I believe the hospitality industry should  
16 be congratulated for assembling a very successful  
17 lobby of these hearings. Although they represent, I  
18 understand, 75 per cent of the presentations at these  
19 hearings, you must remember that only 23 per cent of  
20 Northern Interior residents smoke on a daily basis.

21 My children will be entering the work force in  
22 the next few years. I hope that the people of this  
23 province have the wisdom to make sure that my children  
24 will not be forced to spend their working lives being  
25 exposed to substances that are obviously harmful and  
26 stricken with illnesses that would have been so easily  
27 preventable.

28 I thank you very much for allowing me the  
29 opportunity to address the hearing.

30 THE CHAIRPERSON: Thank you.

31 Is there anybody else who wishes to speak at this  
32 time? We'll await the next speakers.

33 Mr. Crowley, whenever you're ready.

34  
35 PRESENTATION BY MR. FLOYD CROWLEY:

36  
37 MR. CROWLEY: First, I want to thank you for the  
38 opportunity to tell our story. I worked in the energy  
39 business for 39 years for the same company, and had to  
40 breath the poison and pollution produced by about 20  
41 per cent -- 25 per cent of our crew who were addicts  
42 of the tobacco companies for 36 of those years.

43 Having lobbied the company for over ten years,  
44 they finally provided some relief for the other 75 per  
45 cent of the crew by not allowing smoking in the  
46 workplace ever since 1993. For most of the those ten  
47 years, between '83 and '93, the management of the

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1 company had said that if other companies or the  
2 regulators, i.e., the WCB, had brought in some  
3 legislation to help police the no smoking, they would  
4 have banned it in our workplace much sooner.

5 I would also like to tell you what we did in our  
6 community in 1985. We passed a by-law to stop smoking  
7 at all meetings, parties, card evenings, dances. Of  
8 course, there was much debate and gnashing of teeth  
9 because between 25 and 35 per cent of the people were  
10 still addicted to the habit at that time. But the  
11 argument that was presented was that it was much  
12 easier for the smokers to go outside to smoke for five  
13 minutes of each hour than for the non-smokers to go  
14 outside to breathe. The good news is that once it  
15 became known that regular folks could go to our  
16 country dance and spend an evening with their family  
17 and friends and not have to burn their clothes when  
18 they returned home, that we have been overwhelmed by  
19 requests to attend our functions.

20 But please excuse me, I digress from the  
21 immediate problem that I'm here to talk about. Our  
22 youngest daughter is a hostess in one of the pubs.  
23 When she was 23 years old, her husband was killed in a  
24 car accident so she has become the breadwinner for two  
25 young children. Since she had dropped out of school  
26 early to start a family, job opportunities were fairly  
27 limited. She has continued as a hostess/waitress  
28 because she can earn fairly good money through the  
29 tips with her bubbling personality.

30 For the past year or more, we've been elated to  
31 think that finally she was going to continue with the  
32 work she liked without having to breathe the pollution  
33 caused by second-hand smoke. Now I hope I don't have  
34 to quote the statistics to prove how deadly second-  
35 hand smoke is, but I do want to leave you with this  
36 thought: That if the Workman's [sic] Compensation  
37 Board does not enforce the no-smoking regulations in  
38 our daughter's work environment as they did for the  
39 first two-and-a-half months of this year, and she gets  
40 ill from this poison and my grandchildren become  
41 orphans, the WCB will face the largest lawsuit that we  
42 can muster in spite of the fact that I have as little  
43 time for lawyers as I do for smoking.

44 From January 1st to March 20th, my wife and I  
45 have enjoyed being able to eat out in local  
46 restaurants and have enjoyed a pleasant meal and the  
47 camaraderie in the pub prior to Cougar hockey games,

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1 and the people in the hospitality industry should  
2 understand that there is a very positive business  
3 aspect to the WCB regulations in that there are many  
4 more people like us who will patronize the local pubs  
5 and restaurants when they offer a smoke-free  
6 environment.

7 We are strongly in favour of the enforcement of  
8 the WCB no-smoking regulations to protect those  
9 waiters and waitresses and hostesses who work in the  
10 industry but feel helpless to complain because they  
11 will be overwhelmed by their addicted colleagues and  
12 bosses.

13 I should also like to reiterate what Bruce  
14 Strachan, the former Minister of Health said in his  
15 presentation on Thursday afternoon, that the tax on a  
16 package of cigarettes only covers about one-third of  
17 the cost of ensuing health care costs to cover the  
18 sickness, the disfiguration, the operations brought on  
19 by these addicted people by their own choice. Thank  
20 goodness that we live in a democracy and since two-  
21 thirds of our health-care costs are paid by non-  
22 smokers, we -- and these are just the costs to these  
23 people, not to the general health-care costs -- we are  
24 able to have some say in the control of this addictive  
25 substance.

26 Respectively [sic] submitted.

27 THE CHAIRPERSON: Thank you. Is Mr. Victor Bowman here?  
28 Mr. Eduardo Fritis? Is there anybody else who wishes  
29 to speak?

30 We'll break now until 10:30.

31  
32 --- PROCEEDINGS RECESSED AT 10:20 A.M.

33 --- PROCEEDINGS RESUMED AT 10:30 A.M.

34  
35 THE CHAIRPERSON: Okay. We'll reconvene. Mr. Victor  
36 Bowman? Good morning.

37  
38 PRESENTATION BY MR. VICTOR BOWMAN, PRINCE GEORGE CHAMBER OF  
39 COMMERCE:

40  
41 MR. BOWMAN: Good morning, thank you. I am the president  
42 of the Prince George Chamber of Commerce and I'm  
43 appearing on their behalf. I might note to the Panel  
44 before I begin that I sit here as a non-smoker, as  
45 probably 80 per cent of the organization that I  
46 represent are. And perhaps I should not say a non-  
47 smoker, but a smoker in remission. I managed to give

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1 up the weed a number of years ago, and joined a very,  
2 very large group of people after umpteen dozen  
3 different tries.

4 That aside, I just say that to emphasize that on  
5 a personal basis, and certainly the organization of  
6 the Chamber of Commerce, has some concerns with what  
7 happened recently with the new regulations.

8 I think, firstly, the manner in which it was 100  
9 per cent zero tolerance, that is it, implementation,  
10 created a lot of havoc, a lot of adverse publicity.  
11 And I think, to some degree, not only harmed people  
12 economically, it also took away from the integrity and  
13 the character of the WCB. I think the Workers'  
14 Compensation Board lost some public relations ground  
15 with the manner in which the regulations were  
16 implemented.

17 They tended to ignore the financial impact that  
18 it would have on a couple of business sectors,  
19 particularly the restaurant and pub area. And it did  
20 have an impact. Despite hopes that the non-smokers  
21 would come out in droves and take the place of  
22 smokers, in particularly the pubs and the bars, I  
23 think has not been proven. It just did not happen.  
24 It seems to be part of the social fabric that you go  
25 to the pub, you have a beer, you talk to your friends,  
26 and you have a cigarette along with it.

27 We understand that the process -- and firmly  
28 believe in this -- process should be one of setting a  
29 benchmark, to move into a reform of this nature  
30 slowly, carefully, and with consultation with the  
31 stakeholders in that. We would suggest to you that in  
32 consultation, particularly with the restaurant and the  
33 hospitality industry, that benchmarks are set and a  
34 plan of action is developed.

35 Along with the defence of the regulations, there  
36 was a lot of statistics that came forward and I  
37 understand how people use that, and I refer back to an  
38 old professor of mine who, when I took a course in  
39 statistical math, he said two things: Ladies and  
40 gentlemen, I want you to bear in mind there's lies,  
41 damn lies, and statistics. By the time you reach next  
42 -- the end of April, I will have taught you how to  
43 prove anything by the use of statistics, whether it's  
44 true or not. And, actually, by the time we finished  
45 it was amazing how we could bend statistics and fact.  
46 That happens; I think we all do it.

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1           As I've said, the concern with the fairness of  
2 the regulation, especially in times with the economy  
3 as it is now, the hospitality industry is highly  
4 competitive and a difficult industry to perform in.  
5 You throw them this kind of blow, and very often it  
6 has resulted in some closures, it has certainly lost -  
7 - some lost jobs, that sort of thing.

8           I think probably -- and I speak very much from an  
9 impassioned personal point of view -- the sudden onset  
10 of a regulation, take it or leave it, or damn, we'll  
11 pack you away is not the manner in which a democratic  
12 society or its agencies are supposed to act. We have  
13 to be proactive, we have to consult, we have to talk  
14 with others.

15           So we've made some recommendations. The first  
16 one is that we benchmark where we're at now. Let us  
17 find truly what the harm is and that sort of thing.  
18 Then set a moving standard in consultation with the  
19 industry. Utilize valid alternative methods of  
20 meeting these standards, and they may be ventilation,  
21 smoking areas, separate rooms, reducing the number of  
22 smoking seats or whatever, as you would treat any  
23 other industry. I spent 32 years in the construction  
24 supply industry and, yes, we changed regulations, but  
25 we did the doable. We looked at a particular hazard  
26 and we worked -- and the WCB worked with the industry  
27 -- so we could come up with standards that would  
28 create a safer workplace for the people in our  
29 industry. I have a number of small little victories  
30 in there that I was involved with that I'm forever  
31 proud of. But it was a co-operative effort.

32           The Chamber of Commerce in British Columbia --  
33 actually, across Canada -- suggests that a business-  
34 lens approach be taken to the implementation of new  
35 regulations. The provincial government is on record  
36 as having gone -- agreed to this, and that they would  
37 take a look at whatever they were going to do and at  
38 least make an assessment of what it might do to the  
39 industry on which it's going to impact. I would  
40 suggest in this case that approach wasn't taken. We  
41 have to take a look at who it's going to impact, how  
42 it's going to impact, and how do we get there with the  
43 least damage and the greatest benefit.

44           The other thing that we have and it's rather  
45 strange we get people from other jurisdictions in  
46 Canada -- and I don't say this to knock the rules --  
47 but I think you do have to get the message across to

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1 your companion bodies in other provinces and say, hey,  
2 look, we're doing this for this reason. You only have  
3 to go from here over to Alberta and the rooms are  
4 fairly smoke-filled. I think, if anything, they seem  
5 to have gone to the other -- other direction.

6 If penalties are going to be imposed, I think  
7 they should be reasonable. They should be only relied  
8 on after the period of counselling and proactive  
9 effort on the part of the enforcement officers. And  
10 we agree, perhaps you will get the people that will  
11 totally ignore it that will not work with you. But I  
12 think you would find that most of the people in those  
13 businesses, their employees, would be glad to work on  
14 a proactive basis on a reasonable regulation.

15 Last, the strong point, and certainly one I've  
16 discussed with quite a number of my members, we would  
17 like to encourage the provincial government, and would  
18 like to use the WCB to maybe put their oar in the  
19 water as well, to take very strong proactive steps to  
20 educate people on the benefits of not smoking.  
21 Tobacco products are addictive. Believe me, I can  
22 testify to that. To quote a friend of mind who's a  
23 medical doctor who helped me get through it -- the  
24 eighth time, I managed to make it, and I'm still in  
25 remission -- and he -- I said, "Why is this so  
26 difficult?" and he says, "You know, it depends on  
27 physiology, et cetera," but, he says, "When you get  
28 hooked, you get hooked." And a funny thing about drug  
29 addiction, he says, "Some people can go on heroin and  
30 leave it. Some people can go on tobacco --" and we  
31 all know the people that manage to quit at the snap of  
32 the fingers. I don't know whether to admire or hate  
33 them. But they -- you know, it is an addiction. And  
34 what happens -- I know in my own case, and I'm 60  
35 years old, it was socially acceptable. Everybody  
36 smoked, you got in the habit at age 14. The same  
37 thing is happening today. And, so far, our programs -  
38 - one, to prevent youth -- to bring to them the real  
39 honest hazard, to make it socially unacceptable to  
40 smoke is not happening. I wish I could give you a  
41 format and a plan to do so. But that investment in  
42 our youth would pay back and remove an awful lot of  
43 the problems we have now.

44 The other thing I would encourage all agencies of  
45 the government is to give very, very solid support to  
46 people such as the Canadian cancer agency who --  
47 pardon me -- society, who have the only effective

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1 smoking cessation program that I've ever run across,  
2 but they get very, very little help from the  
3 government. You know, really, from the point of view  
4 of the government, it's probably one of the best  
5 investments you can make. You might lose the cigarette  
6 taxes, but you certainly do gain healthier people and  
7 less strain on the health-care system.

8 So I think education in all areas is probably one  
9 of the most important things. Thank you for your time  
10 this morning. Any questions? Thank you.

11 THE CHAIRPERSON: Thank you.

12 Mr. Eduardo Fritis? Good morning.

13  
14 PRESENTATION BY MR. EDUARDO FRITIS:

15  
16 MR. FRITIS: Good morning.

17 Dear sirs: More than losing our health, our jobs  
18 and our businesses, we're losing here our principles.  
19 We're gathered here today because of the wrong  
20 impressions of the established bureaucrats that they  
21 believe that it's possible to replace principles with  
22 laws and regulations.

23 I'm amazed but not surprised for the amount of  
24 laws and the lack of values that we have allowed the  
25 government to generate. All, of course, at our  
26 expenses [sic]. You have created all these laws and  
27 regulations with the wrong assumption that those laws  
28 and regulations would replace what we think is good or  
29 bad for us, to replace the role of the families,  
30 generating among our youth, responsibilities. The  
31 bureaucrats, moved by political interest, are blindly  
32 obsessed into this crusade against the tobacco.

33 I don't smoke. I don't encourage my children and  
34 nobody to do it. But I respect other people's  
35 choices. There's quite a few things that are bad for  
36 us, but nevertheless they exist and they are accepted,  
37 and considered as socially accepted habits. What  
38 we're trying here, to be better than the best, is it  
39 not a little childish thinking? They say that better  
40 is the enemy of good. You pretend to be the owners of  
41 the truth, ahead of the rest of the world. No where  
42 else this regulation has been imposed.

43 For WCB, health is a problem of geography. Here,  
44 cigarettes are no good. But few miles west or south,  
45 for people, it's okay. You bureaucrats have too much  
46 time to think and we're paying and allowing it. This

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1 should be ended now, and the role of the governmental  
2 entities should be revised and corrected.

3 I'm a businessman and a father, and I'm not proud  
4 to come here to tell you again that you are wrong. We  
5 have issues far more important to debate and to do.  
6 This, members of the Panel, is most scaring [sic]  
7 thing. We need to take responsibilities on our own,  
8 about our own acts, and create responsibilities on our  
9 children for them to decide their responsibilities in  
10 the future.

11 In all -- in all of the countries that I've lived  
12 in, even in Europe, with far more experience than us,  
13 no one has ever thought about regulating people's  
14 choices. This is not a problem of a majority in  
15 favour or against smoking in places. This is about  
16 government interference in people's choices. We all  
17 know what is good or bad for us, and if someone does  
18 not believe it, it's absolutely wrong.

19 We have tried your regulation at the beginning of  
20 this year and it was a complete disaster for everyone,  
21 customers, employees, and employers. Why are we back  
22 discussing it again? You should be accountable for  
23 the losses that we took and look into it differently.

24 You should abandon immediately this endeavour and  
25 work together to find solutions to the problem and not  
26 problems in each solution. You should know by now  
27 that nothing is black or white.

28 In summary, consider my opinion against this  
29 regulation. Thank you for your time.

30 THE CHAIRPERSON: Thank you.

31 Mr. Ted Parahoniak? Thank you.

32  
33 PRESENTATION BY MR. TED PARAHONIAK:

34  
35 MR. PARAHONIAK: I have nothing prepared. I just dropped  
36 in. I just -- I'm a very strong against smoking, and  
37 I very much support you guys' initiative. This is  
38 actually the first time I've ever come to a hearing,  
39 feel so strongly about an issue of any type. This is  
40 just not my character. But when you guys brought in  
41 the non-smoking issue in the beginning of January, I  
42 thought this was absolutely great because it --  
43 because when I go into a restaurant and there's smoke  
44 -- smoke-filled people, or there's people that work,  
45 whatever, it's smoke. But the idea is if I work in  
46 someone's -- someone else lights up a cigarette, it

## Presentations

1 affects me or it doesn't affect the smoker. I've had  
2 many people say that.

3 Also, as people working in a restaurant saying,  
4 well, if -- if this no smoking came, well, it just  
5 gives me a good chance to stop smoking. Most people  
6 I've ever talked to say it gives -- "I don't want to  
7 smoke. It's hard to quit." Maybe this gives also a  
8 person incentive.

9 Let's take a hypothetical situation. Say if a  
10 person -- doesn't matter, a guy or a person -- goes on  
11 with life, never been exposed to cigarette smoke at  
12 all in their life, and gets a job, say, at a bar,  
13 whichever, that allows smoking. Say that person keeps  
14 working at that bar and never -- and -- anywhere else  
15 has not experienced smoke anywhere, and keeps going in  
16 years. And then -- one day he finds out he has a  
17 smoke-related illness, and who's responsible for that?  
18 Who's responsible? As the bar-owner said, well, I  
19 made my profits at the expense of my employee and,  
20 now, because of them he's going to die or go through a  
21 serious situation.

22 So those are -- those are points you really have  
23 to look at. As for implementing things over a slow  
24 period of time, it just takes too long. This process  
25 is just -- it's -- people will keep going on and drag  
26 things out, that's the way people are. They --  
27 everything I've been told by one professor, I went, he  
28 says, the best way anything should be implemented is  
29 all at once. Not anything -- either one thing or the  
30 other. He kind of mentioned -- he was also relating  
31 to the metric system too. He said they should have  
32 not mixed the two together, but all at once. People  
33 accept that this way. This way people accept it, they  
34 know that they -- they have this, it's accepted. They  
35 can't go to one bar or the other bar because it's all  
36 the same everywhere.

37 People are a social person [sic]. Sure,  
38 businesses may turn down after at the beginning, and  
39 things slow down, but people -- it will adjust, it'll  
40 balance out. People will come home from work --  
41 there's a lot of people that come off work and say,  
42 "Let's go for a beer and stuff." Are they going to  
43 say, "Let's go to my house and have a beer", when it  
44 may not be acceptable because his wife, or something,  
45 or the place is not clean or whatever it may be.  
46 People -- that's the -- people go to. It's just going  
47 to become a normal thing. It'll just be acceptable.

## Presentations

1           It's not hard. You take a smoke and go outside  
2           and -- but it's fine. There's a lot of places at work  
3           people can't smoke and it's clean. It's -- it's --  
4           they have to accept that too, and it's -- and it's  
5           longer periods of time. They can -- here that they  
6           can go -- go out.

7           As I said, I don't feel -- I feel so strongly  
8           about this and, I don't know, I don't have a whole lot  
9           more to say about it, but I guess that's it.

10          THE CHAIRPERSON: Thank you.

11           Mr. Calvin Joe? Good morning.

12  
13          PRESENTATION BY MR. CALVIN JOE:

14  
15          MR. JOE: Good morning. How are you?

16          THE CHAIRPERSON: Good, thanks.

17          MR. JOE: My name is Calvin Joe. I am not in any way  
18               associated with any anti-smoking group or connected to  
19               any -- to the hospitality industry. But I am an  
20               insurance professional and I have my registered health  
21               underwriter designation.

22               A couple of issues that I've been hearing about  
23               has been very interesting to me. You have the anti-  
24               smoking coalition saying this is a health issue and  
25               only a health issue, and you have the industry, the  
26               pub owners, the restaurant owners are saying it's  
27               about profits, higher profits, lower profits. And you  
28               have the employees saying it's about jobs.

29               My philosophy, I think that the smoking issue  
30               should be a Ministry of Health concern. The jobs  
31               issue should be the Ministry of Employment and, I  
32               believe, as a true free-enterpriser, that profits are  
33               needed for a growing economy and everyone should have  
34               a right to a good job. I'm also a non-smoker.

35               One of the issues -- one of the areas that I  
36               specialize in is in disability. I've never had a  
37               claim from a client due to second-hand smoke. WCB,  
38               first and foremost, is an insurance organization,  
39               accident and sickness. One of its major roles is to  
40               collect revenue and to pay claims. I think one of the  
41               ways to help solve this issue is for WCB and the  
42               industry to get together and hire an independent  
43               consulting actuary to calculate the actual needs that  
44               you paid in non -- in second-hand smoke in this  
45               industry.

46               They said second-hand smoke causes lung cancer  
47               and all these other diseases. But I'd like to see

## Presentations

1 that from an independent actuary as it relates to  
2 occupation, not to the general public. Obviously,  
3 actuaries that work at WCB must have worked some of  
4 these numbers out at some point. Even -- I've sold a  
5 lot of disability policies in my career. Smokers get  
6 an average anywhere from 50 per cent to 100 per cent  
7 increase in premiums versus a non-smoker, but they're  
8 not outright declined. If they are declined, it's for  
9 other issues, other health-related issues or other  
10 occupational -- hazardous occupations. But not just  
11 because they are smokers.

12 What they do get, though, is an increase in rates  
13 versus a non-smoker. Did WCB ever take this in  
14 consideration instead of just outright banning smoking  
15 in the hospitality industry? Did they consider  
16 increasing the rates for employers? Because it's the  
17 employers who pay the premiums.

18 The final point I'd like to bring up is now that  
19 WCB has said that second-hand smoke is hazardous, if I  
20 was an individual that worked in a bar or restaurant  
21 for the last 20 years and I came from my doctor and  
22 said -- and he told me you now have lung cancer, I'd  
23 be making a claim right now with WCB, because WCB has  
24 said it is now considered a workplace hazard. So all  
25 the way up until the ban, they have said it was not.  
26 Now they say it is, and now I have lung cancer, I want  
27 you to pay me a claim. If this is true, expect a  
28 flood of claims coming in, and I would put it to you,  
29 you will probably bankrupt WCB, if this was to happen.

30 If you add up all the numbers of people that have  
31 worked in the hospitality industry since WCB was in  
32 place, and you add up all the claims that are  
33 potentially coming, it's going to be horrendous.  
34 You're going to have to quadruple the number of claim  
35 adjudicators, and the premiums that you have are  
36 nowhere near going to be enough to cover those claims.

37 Which brings me to the second -- the last point  
38 of this. How many claims has WCB paid out due to  
39 second-hand smoke, both in number of claims and total  
40 aggregate dollar value. Because I don't want to talk  
41 about jobs, I don't want to talk about profits, and I  
42 don't want to talk about health. I want to talk about  
43 it from a WCB point of view, from an insurance point  
44 of view, and that's the main reason why WCB exists.  
45 It exists as an insurance organization, no differently  
46 than the one I'm involved in. How is it that the  
47 morbidity tables have gotten to this level and we've

## Presentations

1 missed out? Are my companies that I'm placing  
2 business with, their tables are so out to lunch and  
3 WCB's are the correct ones, and yet I've never had a  
4 claim made? I've canvassed my office and I've  
5 canvassed other people. They've never had a claim. I  
6 find that quite interesting.

7 Also, I'd like to add, finally, I'm an avid anti-  
8 smoker, by the way. I do not believe smoking is good  
9 for your health. I believe smoking should be banned  
10 outright and not selectively in certain areas.

11 Thank you for your time.

12 THE CHAIRPERSON: Thank you.

13 Is there anybody else who wishes to speak? Okay. If  
14 there are no other speakers, we're adjourned until  
15 June the 20th at 9:00 a.m. in Kelowna.

16  
17 --- PROCEEDINGS ADJOURNED TO JUNE 20, 2000 AT KELOWNA, B.C.  
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