

*Non-smokers' Health Act*

The old cliché that it is better late than never does not quite hold true in this case. We expected more leadership on this vital issue from the Government. The Government's lengthy inactivity in regard to the Non-smokers' Health Act causes us to question the credibility and ethics of the Government which does not seem to have the grace to respect the will of the House promptly.

By delaying action on this Bill, the Government allowed continued health risks to occur and thus set a poor example for the country. If justice is delayed, justice is denied. If a good cause is delayed, a good cause has been denied.

It is disturbing to realize that the Government cares so little about the welfare of Canadians that it would allow a good cause, restricting smoking in the workplace and therefore protecting the health and rights of non-smokers, to be denied for so long.

I am relieved to note that the Government has finally acknowledged its responsibilities and introduced Bill C-27 which proposes amendments to the Non-smokers' Health Act to provide for inspection and enforcement clauses which the original Bill, being a private Members' Bill, did not have the opportunity to include.

At this juncture I am delighted to laud the Government on the new structure of the Bill. Bill C-27 is organized so that the definitions are all at the beginning of the Bill, the enjoiners and the inspection clauses are in the middle, and the regulatory-making powers of the Governor in Council are at the end.

I would also like to congratulate the Government for removing Clause 3(6) from the original Bill which state: "Nothing in this Act affects any rights to protection from tobacco smoke at common law or under any Act of Parliament or of a provincial legislature". This provision would have allowed for the possibility of provincial variations in the application of the Non-smokers' Health Act.

Clause 6 of the new Bill states:

"Nothing in section 4 or 5 affects the operation of any other Act of Parliament or regulations thereunder or any rule of law in relation to the protection of persons from exposure to tobacco smoke.

This will ensure more consistent application in all the provinces.

The amendments made to Clause 5 are also to be commended. Whereas the original Bill included provisions for removal of smoking passengers from non-smoking aircraft, the new Bill also includes provisions which extend this rule to buses and trains.

An additional positive feature of Bill C-27 is that under Clause 14, peace officers and persons employed to act as inspectors for the purposes of this Act may serve tickets to people who are smoking in non-smoking areas. This is important because there are certain workplaces where an employer does not have authority over all the people in the workplace. For example, it is difficult for a bank manager to order a customer to stop smoking. Now the customer will be deterred from smoking in non-smoking workplaces by the risk of getting a ticket.

I would like to point out, however, that there is still a problem with the provision on ventilation, it is still a vague clause. Clause 3(4) of the original Bill stated: "Every employer shall make reasonable efforts to ensure that a designated smoking room is independently ventilated". The clause in the new Bill reads as follows:

"Where an employer has designated a room for smoking under subsection (2) in a building or portion of a building the construction of which commenced before January 1, 1990, the employer shall, to the extent reasonably practicable, ensure that the room conforms to any requirements of the regulations respecting independent ventilation of designated smoking rooms."

Now an employer can argue not only that efforts to provide ventilation would be unreasonable, but that they would be impracticable as well. We should ensure that this does not happen.

The new Bill also results in a time delay for when rooms designated as smoking rooms have to be independently ventilated in newly constructed buildings.

• (1550)

The old Bill required buildings constructed prior to January 1, 1990 to have ventilation in smoking rooms only if this could be done with reasonable effort. The new Bill allows the reasonably practicable clause to apply to all buildings, the construction of which began before January 1, 1990, regardless of when construction is finished.

In addition, in the new Bill the requirement for independent ventilation is removed from the legislation and put into the regulations. I urge the Department,