

people have been congregating to smoke. Therefore, we are requiring employees to go into a dangerous area by the way it has been described.

Would the Minister's deliberations at the regulation stage take this problem into account as well, and ensure that there is some way to deal appropriately with those workers who will be required to go into a smoke-filled or a dangerous environment in terms of a smoking area?

**Mr. Corbeil:** I take notice of the Hon. Member's remarks. I will certainly take them into consideration when we draft the regulations.

**Mr. Riis:** I appreciate the response of the Minister, and I do not want to be difficult. I appreciate the position the Minister is in. However, it is not much satisfaction when the Minister states that he will take these into account when the regulations are being drafted. Is the Minister in a position to be a little more forceful, or at least sound a little more committed to dealing with these critical issues? As I say, I am not attempting to be problematic in terms of the issue, but I do believe it is serious enough that we need to hear more than it being something that will be thought about or raised during the deliberations at regulation stage.

**Mr. Corbeil:** Any worker who feels that he or she is being asked to work in unsafe conditions can, under the regulations of Labour Canada, refuse to work.

**Mr. Riis:** One would assume with the regulations being what they are that an employee who was asked, for whatever reason, to go in and perform duties in what would be determined by the employee to be an unsafe place because of the smoking environment, would have that right to refuse and be under no obligation to do otherwise.

**Mr. Corbeil:** Part II of the Canada Labour Code already provides for employees, under those circumstances, to refuse to work. Part II of the Canada Labour Code will continue to be applicable to employees who refuse to work under those circumstances, and they will have available to them the ordinary grievance procedure.

Clause agreed to.

### *Non-smokers' Health Act*

**The Deputy Chairman:** Shall Clause 4 carry?

**Some Hon. Members:** Agreed.

Clause agreed to.

**The Deputy Chairman:** Shall the title carry? The Hon. Member for Kamloops.

**Mr. Riis:** Since we are at the title now, this is the last stage. Perhaps I can use this opportunity to seek clarification from the Minister. I beg your indulgence, Mr. Chairman, but I recognize that this is not the appropriate place to ask this question, but having missed the appropriate place, I would like to ask it now.

The previous saving clause mentioned: "no limitation of rights under common law, provincial, or federal statutes". We understand why reference to provincial law has been removed. Obviously, it is a federal statute that will evolve. However, why have the rights at common law been replaced by rule of law? Is this a lesser protection of existing rights to a smoke-free environment? Perhaps the Minister could provide at least a clarification of that change.

**Mr. Corbeil:** I am informed that we have been assured by the lawyers who have reviewed this legislation that this drafting has the same meaning.

**Mr. Riis:** I have two further questions and will perhaps pose them both at the same time. In the original Bill, that was going back to the Lynn McDonald Bill, the Bill ensured that smoking rooms in new buildings would be separately ventilated, and that makes sense. However, in this Bill that section is removed. It seems to me to be an obvious provision to have in the Bill that, if a smoking room is built where people smoke, it would be separately ventilated, but the Bill removes that. I am curious to know why that would have been done. What I am seeking from the Minister is an assurance that these new regulations that will flow from this Bill will provide that separate ventilation is guaranteed for smoking rooms in buildings to be constructed in the future.

• (1630)

Second, is the Minister satisfied that we as a country are indeed heading rapidly toward a situation in which no federally regulated worker will be exposed to tobacco smoke against his or her wishes? I realize in a sense that that is a repeat of a previous question.