

ITEM	3
MANAGER'S REPORT NO.	34
COUNCIL MEETING	89/05/08

RE: LETTER FROM MR. W. MOTIUK WHICH APPEARED ON THE AGENDA FOR THE APRIL 17TH MEETING OF COUNCIL (CORRESPONDENCE ITEM NO. 5) BURNABY SMOKING REGULATION, 1987

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Chief Public Health Inspector be adopted.

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TO: ACTING MUNICIPAL MANAGER 1989 MAY 02
 FROM: CHIEF PUBLIC HEALTH INSPECTOR
 SUBJECT: CORRESPONDENCE TO MAYOR AND COUNCIL FROM MR. W. MOTIUK, 7504 MALTON DRIVE, DELTA, B.C., V4C 6W6, REGARDING BURNABY SMOKING REGULATION, 1987
 PURPOSE: TO ADVISE COUNCIL ON THE ENVIRONMENTAL HEALTH DIVISION'S RESPONSE TO MR. W. MOTIUK'S CONCERNS REGARDING THE BURNABY SMOKING REGULATION, 1987

RECOMMENDATION:

1. THAT a copy of this report to forwarded to Mr. W. Motiuk, 7504 Malton Drive, Delta, B.C., V4C 6W6.

REPORT

Appearing on the 1989 April 17 Council Agenda was correspondence from Mr. W. Motiuk, 7504 Malton Drive, Delta, B.C., regarding an unresolved "smoking" dispute at his Burnaby located workplace and provided general comments as the Burnaby Smoking Regulation, 1987. The Environmental Health Division has investigated Mr. Motiuk's concerns and report as follows.

As a result of the Environmental Health Division's inspection of Mr. Motiuk's workplace, a notice was forwarded to his employer requiring compliance with the Burnaby Smoking Regulation 1987 by minimizing the involuntary exposure of non-smoking employees to cigarette smoke. Management is presently reviewing the need for separate lunchrooms for smoking and non-smoking employees. Further inspections will be conducted during 1989 May to ensure that compliance with the Burnaby Smoking Regulation is obtained.

We have discussed with Mr. Motiuk the comment that he was advised by a Burnaby Bylaw Enforcement Officer to "resolve the matter yourselves, we do not like to get involved." Mr. Motiuk has advised that this was a comment from a fellow employee and not himself. For the information of Council, since enforcement of the Burnaby Smoking Bylaw in 1988 January, staff have answered in excess of 1,000 telephone enquiries. The Environmental Health Division's response to enquiries is to first request that management and employees meet to discuss concerns regarding involuntary exposure to cigarette smoke. Should suitable arrangements not be made to the satisfaction of the non-smoker, then a further complaint to this office will result in an inspection to determine the action necessary to achieve Bylaw compliance. To date Public Health Inspectors have responded to 83 complaints of Bylaw violations and have not been required to initiate court action.

As with all legislation, a review is required after initial implementation to determine areas where improvements can be made. The definition of office workplace is currently being reviewed by our staff and also the City of Vancouver Health Department.

CORRESPONDENCE TO MAYOR AND COUNCIL
REGARDING BURNABY SMOKING BYLAW
1989 MAY 022

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It is the intention of the Environmental Health Division to present a report for Council's consideration during early 1990 regarding the Burnaby Smoking Regulation. This report will update Council on the two years of enforcement of Smoking Regulations, community concerns and areas for improvement.

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The Chief Public Health Inspector has discussed the contents of this report with Mr. W. Motiuk.

George V. Harvie

G.V. Harvie, C.P.H.I.(C)
CHIEF PUBLIC HEALTH INSPECTOR

GVH/gI

cc: Medical Health Officer
Director Administrative &
Community Services
Municipal Solicitor