

The Advocacy Campaign for

SMOKE-FREE O₂TTAWA

Ottawa Council on Smoking and Health



Ottawa Council on
Smoking and Health

Conseil d'Ottawa sur le
tabagisme et la santé

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Ottawa Council on Smoking and Health

September 2002

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The Advocacy Campaign for Smoke-Free Ottawa

A Note to the Reader

On April 25, 2001, Ottawa City Council voted unanimously in favour of two bylaws that make all workplaces and indoor public places in the city smoke-free. One amendment to the public places bylaw was approved, strengthening the bylaw by extending the coverage of the smoking ban to taxis and limousines. The passage of these two bylaws would not have been possible without the efforts of many people.

We would like to acknowledge the vision and dedication of the City's Medical Officer of Health, Dr. Robert Cushman. Dr. Cushman brought forward the proposal for a complete smoking ban and remained the champion for public health through long months as the lightning rod for public criticism of the bylaws. Dr. Cushman was supported in his work by a dedicated and hard-working staff, who prepared a strong case for the need to protect the public from second-hand smoke.

Mayor Bob Chiarelli publicly declared his support for a complete smoking ban during the 2000 municipal election campaign and never wavered from this position during the bylaw campaign itself and during the difficult transition period. Councillor Alex Munter was the political champion of the smoking ban. His leadership and sense of fairness ensured that the marathon Health Committee meeting remained civil and that all those who so desired had the opportunity to voice their opinion. The members of the Health Committee also deserve thanks for their willingness to listen with open minds during the fifteen hours of discussion and to

render the right decision for public health in the face of vocal opposition.

The many volunteers of the Ottawa Council on Smoking and Health and their leaders, President Carolyn Hill and Vice-President and Public Issues Committee Chair Janice Forsythe, deserve praise for their tireless dedication to achieving a smoke-free community. This report is an account of the many activities they carried out to help make the bylaws a reality.

A final note of thanks goes to the many thousands of residents of the City of Ottawa who supported the bylaw in countless ways—by talking to their friends and neighbours about the importance of the proposed smoking ban; by urging their City Councillors to vote for the bylaws; and by speaking out in favour of the bylaws in the media and at Health Committee. As a result of the combined efforts of so many people, residents of our beautiful City can now enjoy healthy indoor workplaces and public places, free from the many toxins in second-hand smoke.

It is important to note that this report is intended to be read in conjunction with the companion report produced by the City of Ottawa, Public Health Branch. The Ottawa Council on Smoking and Health worked closely with the staff from Public Health throughout the entire campaign for the smoke-free bylaws. To achieve a full picture of the campaign, it is necessary to understand the complementary roles these two organizations played.

Introduction



A. Why Did We Write This Report?

In recent years, many communities across Canada and the United States have taken up the challenge of becoming smoke-free. Much the same fight is waged in each of these communities—against similar opponents, who raise similar arguments and incite similar fears and who are often supported surreptitiously by the same tobacco companies. This is the story of the successful advocacy campaign fought by the Ottawa Council on Smoking and Health for a bylaw banning smoking in public places and workplaces.¹ Although it is not possible to carbon copy what we did—given differences in the structure of local government; in the organization of the local health department; in the urban-rural make-up of the community; in the extent of public support for smoking restrictions; and in the level of involvement of the local council on smoking and health—we thought that other communities could benefit from the experience and wisdom we gained during our battle for what is now one of the strictest smoking control bylaws in Canada.

¹ The City of Ottawa passed two separate bylaws. By-law No. 2001-149 prohibits smoking in all workplaces. By-law No. 2001-148 prohibits smoking in all public places. For the sake of simplicity and because one campaign was waged for the smoking ban in both public places and workplaces, the two bylaws will be referred to in the singular throughout this report, as “the smoke-free bylaw,” unless there is a specific reason to distinguish between them.

B. What is the Ottawa Council on Smoking and Health?

The Ottawa Council on Smoking and Health (OCSH)² is a coalition of health agencies, local organizations, and individuals that work to reduce tobacco use in the community.³ Formed in 1978, the Ottawa Council on Smoking and Health is one of the oldest community councils dedicated to tobacco reduction in the province of Ontario and indeed in Canada. The OCSH was involved in lobbying for the very first smoking bylaw in the City of Ottawa.

The OCSH has five broad goals:

- to create a social environment where non-smoking is the norm;
- to assist in establishing smoke-free environments;
- to prevent youth from starting to smoke;
- to encourage smokers to quit; and
- to advocate for better quit smoking resources.

Smoke-free public places and workplaces have been proven to promote cessation among current smokers, to prevent adolescents from starting to smoke, and to reduce the social acceptability of tobacco use—in addition to their primary role of protecting non-smokers from second-hand smoke. For these reasons, the focus of the OCSH for the past few years has been working for the passage and successful implementation of a bylaw to prohibit smoking in all public places and workplaces in the new amalgamated City of Ottawa.⁴ The advent of the bylaw also encouraged the city to put more resources into smoking cessation, so literally all of the OCSH's five goals were addressed by working on this one project.

² Until FY 2001-02, the Council was known as the Ottawa-Carleton Council on Smoking and Health (OCCSH). To avoid confusion, the Council will be referred to as the "Ottawa Council on Smoking and Health" or the OCSH throughout the report.

³ During FY 2001-2002, the following twelve organizations were agency-members of OCSH: Academy of Medicine, Ottawa; Allergy and Environmental Health Association (Ottawa Chapter); Canadian Cancer Society, Carleton Unit; Cancer Care Ontario Eastern Region; Centre for Addiction and Mental Health; City of Ottawa, Public Health and Long-Term Care Branch; Heart and Stroke Foundation of Ontario; Johnny Farina Restaurant; The Lung Association, Ottawa; Regional Heart Beat; Somerset West Community Health Centre; The University of Ottawa Heart Institute.

⁴ On January 1, 2001, eleven former municipalities and the Region of Ottawa-Carleton were amalgamated by order of the provincial government to become the new City of Ottawa. The former municipalities are: Cumberland, Gloucester, Goulbourn, Kanata, Nepean, Osgoode, Ottawa, Rideau, Rockcliffe Park, Vanier, and West Carleton.

C. What Was the Role of the OCSH During the Bylaw Campaign?

The Ottawa Council on Smoking and Health took responsibility for the advocacy component of the bylaw campaign. Although we worked hand-in-hand with Public Health throughout the campaign, it was our job to do the hard-hitting advocacy that Public Health staff, as municipal government employees, could not do. The OCSH's advocacy role involved three main undertakings:

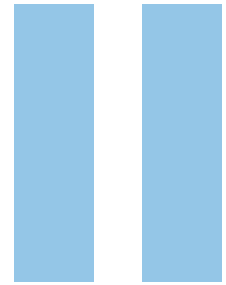
1. raising public awareness of the health hazards of second-hand tobacco smoke and the value of the bylaw as a solution to the problem;
2. mobilizing the largely silent and passive majority to become active supporters of the bylaw; and
3. lobbying members of City Council to approve the bylaw based on the strength of the scientific evidence regarding the hazards of second-hand smoke and the strength of the public's support for a smoking ban.

D. How Is the Report Organized?

The bulk of this report consists of three sections that correspond to the three main phases of the campaign. Phase 1 details the lengthy period of preliminary work that "set the stage" for the campaign for the smoke-free bylaws in the new City of Ottawa. Phase 2 is the four-month period from January-April 2001 during which the 2001 bylaw campaign took place. Phase 3 covers the crucial nine-month period following City Council's approval of the bylaws. Throughout the report you will find useful tips based on our experiences. The report concludes with a discussion of the lessons we learned along the way, both in terms of what we did right and what we could have or should have done differently.

Phase 1

Setting the Stage



A. Bylaw Campaigns in Area Municipalities Before Amalgamation

From early 1998 and throughout the bylaw reform processes in several of the municipalities that made up the Region of Ottawa-Carleton, the Ottawa Council and Smoking and Health adopted a consistent position at both at the municipal level and with regional government. The OCSH advocated for legislated restrictions requiring that all workplaces and public places be completely smoke-free, with no designated smoking rooms. During the bylaw reviews in all of the communities, the OCSH ensured that local residents testified in favour of the proposed smoking ban and that the Councils heard expert testimony on the need for such restrictions.

In the fall of 1999, the former cities of Ottawa, Nepean, and Kanata initiated a joint public consultation process for a bylaw prohibiting smoking in public places. The then Regional Health Department was invited to participate in the consultation process. At the same time the Health Department, with the support of the Council on Smoking and Health, initiated a social marketing campaign to increase public awareness of the dangers of second-hand smoke exposure. In December 1999, Nepean and Kanata City Councils voted unanimously to make all restaurants, bars, bingo and billiard halls, and bowling alleys smoke-free by May 31, 2001, but allowing proprietors the option of installing designated smoking rooms.

A few months later, in February 2000, the Ottawa City Council passed its own bylaw restricting smoking in public places. All restaurants, bingo and billiard halls, and bowling alleys were to become smoke-free by May 31, 2001, with designated smoking rooms permitted. The smoking restrictions in bars (defined as premises in which the patrons must be at least 19 years of age to enter) were to be phased in. From May 31, 2001, until May 31, 2003, bars were required to be smoke-free only until 8 p.m. As of June 1, 2003, bars were to become completely smoke-free, although designated smoking rooms (DSRs) were permissible. Restaurants with “live entertainment” and no children on the premises after 8 p.m. were to be regulated like bars.

In June 2000, the City of Gloucester likewise passed its own bylaw. Recognizing the confusion created by the terms of the Ottawa bylaw, Gloucester Council passed a bylaw with the same restrictions as those of Nepean and Kanata, restricting all smoking in public places by May 31, 2001, with designated smoking rooms allowed.

In September 2000, the Township of Rideau became the fifth area municipality to approve a smoking ban. The Rideau bylaw, which was likewise set to come into force on May 31, 2001, prohibited smoking in public places and workplaces with designated smoking rooms permitted, providing the same level of restriction as the bylaws in Nepean and Kanata.

B. Lobbying for a Regional Bylaw

In July of 2000, Regional Council also studied the issue of regulating smoking in public places. Regional Government required the support of a majority of municipalities (i.e. six of the eleven municipalities that made up Regional Government) in order for a regional bylaw to be binding and only five had recently adopted new bylaws to control smoking in public places. As a result, Regional Council was only able to make recommendations on the issue. The OCSH felt it was important to influence Regional Council’s deliberations, nonetheless, because Regional Council could make recommendations to the future council of the new amalgamated City of Ottawa and to the transition team regarding the nature and timing of the controls on smoking in public places in the new City. Furthermore, a number of Regional Councillors had indicated their intention to run for a seat on the new City Council and we felt this gave us an early opportunity to educate them on this important issue.

The goal of the OCSH was for Regional Council to recommend that the hodge-podge of bylaws restricting smoking in public places and workplaces in the eleven constituent municipalities be harmonized on a priority basis by the new City Council and strengthened to reflect what we had begun to refer to as the “gold standard.”⁵

C. 2000 Municipal Election Campaign

The involvement of the OCSH in the November 2000 municipal election campaign established a valuable foundation that we capitalized on during the actual bylaw campaign. In each of 22 municipal wards we identified 2-3 volunteers who agreed to attend the local all-candidates meeting and pose a question concerning the proposed no-smoking bylaw. OCSH members also attended the Mayoral debates. The same question was asked of all candidates. A group of OCSH members then rated their responses to reflect the strength of the candidates’ support for a complete smoking ban in workplaces and public places (since not all candidates were crystal clear in expressing their views on the proposed smoking ban, the rating was somewhat subjective, based on a number of factors). The OCSH published the results of the exercise in two local daily newspapers, one English, one French, prior to Election Day.

The process that culminated in the publication of the ad accomplished four things:

- It helped to generate initial public awareness of the issue of a city-wide smoke-free bylaw;
- It identified a core group of volunteers that the OCSH was able to draw upon during the subsequent bylaw campaign;
- It made tobacco control an election issue for the first time in Ottawa; and
- It revealed the preliminary positions of the councillors regarding the proposed smoking ban, which served as the rallying point for more focused lobbying.

⁵ Medical Officer of Health, Region of Ottawa-Carleton, “No-Smoking Bylaws in Public Places and Workplaces,” Report to Coordinator, Community Services Committee, 20 June 2000. According to this report, the gold standard in terms of protection from exposure to second-hand smoke is defined as “100% smoke-free in all public places on May 31, 2001 with no option of DSR’s.” The silver standard requires “all public places to be smoke-free with the option of owners having a DSR.” Under the bronze standard, all public places were to be smoke-free on May 31, 2001, “with the option of DSR’s and a phase-in period for bars. Bars would be smoke-free every day before 8 p.m. as of May 31, 2001 except in a DSR.”



MUNICIPAL ELECTION 2000

The one election issue no candidate should butt out of.

Don't you and your family deserve the right to breathe clean air wherever you go?

Volunteers from the Ottawa-Carleton Council on Smoking and Health attended all candidates meetings or phoned candidates and asked for their position on a smoke-free Ottawa by 2001. This is how we rate their support.

Secondhand smoke harms everyone, especially children, because they breathe more rapidly than adults do. Secondhand smoke contains over 4000 chemicals, including:

- **ARSENIC** - a chemical used to kill bugs and weeds
- **CYANIDE** - a gas used in warfare
- **FORMALDEHYDE** - a chemical used to preserve dead animals.

No ventilation system offers protection from these chemicals, so designated smoking rooms just don't work, either for workers or patrons. The current system of smoking and non-smoking sections doesn't offer protection either. We need 100% smoke-free public places and workplaces.

► Mayorality Race

- ☺ Marc-André Bélair
- ☺ Claudette Cain
- ☺ Bob Chiarelli
- ☹ James A. Hall
- ☺ Ken Mills
- ☺ Morteza Naini
- ☺ Paula Nemchin
- ☺ Georges Saadé

► Ward 1 - Orléans

- ? Herb Kreling
- ? Gerry Lalonde
- ? John Morgan

► Ward 2 - Innes

- ? Rainer Bloess
- ☺ Luc Brisebois ?
- ? Ed Campbell
- ☺ Marc Thibault ?

► Ward 3 - Bell South Nepean

- ? Jan Harder
- ☺ Molly McGoldrick-Larsen ?

► Ward 4 - Kanata

- ☺ Alex Munter (acclaimed)

► Ward 5 - West Carleton

- ☺ Harold O. Daley
- ☺ Dwight Eastman
- ☹ David Whiteman

► Ward 6 - Goulbourn

- ☺ Betty Hill
- ☺ Steven Lewis ?
- ☹ Janet Stavinga

► Ward 7 - Bay

- ☺ Alex Cullen
- ☹ Jim Jones
- ☺ Jeff Seeton
- ☹ Geoffrey Sharpe
- ☺ Doug Shouldice ?

► Ward 8 - Baseline

- ? Rick Chiarelli
- ? Al Loney

► Ward 9 - Knoxdale-Merivale

- ☺ Gord Hunter ?
- ☺ Al Speyers

► Ward 10 - Gloucester Southgate

- ☺ George Barrett
- ☺ Diane Deans
- ☹ Bob Leedy
- ? Anoop Rangji

► Ward 11 - Beacon Hill-Cyrville

- ? Michel Bellemare
- ? Pat Clark

► Ward 12 - Rideau-Vanier

- ☺ Madeleine Meilleur (acclaimed) ?

► Ward 13 - Rideau-Rockcliffe

- ? Richard Cannings
- ☺ Jacques Legendre?

► Ward 14 - Somerset

- ☺ Elisabeth Arnold ?
- ☹ Olivia Bradley

Rating System

- Strong Supporter ☺
- Somewhat Supportive ☺
- Not Supportive ☹
- Position Unknown ?

► Ward 15 - Kitchissippi

- ☺ Linda Davis
- ☹ Ray Kostuch
- ☹ Shawn Little

► Ward 16 - River

- ☹ Dave Hagerman
- ☺ Wendy Stewart

► Ward 17 - Capital

- ☺ Jim Bickford
- ☺ Clive Doucet

► Ward 18 - Alta Vista

- ☹ Allan Higdon
- ☹ Peter Hume
- ? Ahmed Mohamed Nor

► Ward 19 - Cumberland

- ☹ David Lewis ?
- ? Phil McNeely
- ? Judith Poulin
- ? Robert Van den Ham

► Ward 20 - Osgoode

- ☺ Dwayne Acres
- ☹ John Cyr
- ☺ Doug Thompson

► Ward 21 - Rideau

- ☺ Glenn Brooks
- ☺ James Stewart

Your vote has power.

Don't let your right to breathe clean indoor air go up in smoke.

Ottawa-Carleton Council on Smoking and Health in partnership with:

Academy of Medicine, Allergy and Environmental Health Association, Canadian Cancer Society - Carleton Unit, Cancer Care Ontario Region - East, Centre for Addiction and Mental Health, Clean Air Campaign, Heart and Stroke Foundation of Ontario, Regional Heart Beat, Success by Six, The Lung Association - Ottawa-Carleton Region, The University of Ottawa Heart Institute Health Check Program.

Phase 2

The 2001 Bylaw Campaign



A. Overview

As discussed in the previous section, a great deal of work was done prior to the actual campaign for the 2001 smoke-free bylaw that contributed to the ultimate passage of the bylaw. For the purpose of this report, Phase 2, the 2001 bylaw campaign itself, refers to the activities that took place from January 1, 2001, until City Council approved the bylaw on April 25, 2001.

This section begins with a look at the key external and key internal factors that contributed to the successful outcome of the bylaw campaign. Part D examines the specific advocacy activities undertaken by the Ottawa Council on Smoking and Health during the four-month campaign.

B. Key External Factors

1. Amalgamation

The amalgamation of eleven municipalities in Ottawa-Carleton and Regional Government into the new City of Ottawa on January 1, 2001 created both a need to revisit the issue of smoking restrictions throughout the city and a tremendous opportunity to strengthen existing bylaws and go for the “gold” standard.

As discussed above, several municipalities in the region were set to implement new restrictions on smoking in public places as of May 31, 2001. In the absence of a new bylaw for the amalgamated City of Ottawa, compliance and enforcement would have been a nightmare as hospitality establishments throughout the city operated under different sets of rules. To ensure that this nightmare situation did not arise, prior to amalgamation Regional Council recommended that developing a harmonized no-smoking bylaw should be one of the first priorities of the new city government. The OCSH made the same case to the transition team.⁶

It was the responsibility of the region's Medical Officer of Health (MOH) to make recommendations regarding the bylaw. The lowest common denominator among the new bylaws set to come into force was clearly not an option. Public awareness of the dangers of second hand smoke had been growing rapidly, and a local poll in the fall of 2000 showed increased public support for a total smoking ban. In 1999 and 2000 the cities of Victoria and Waterloo had implemented total smoking bans in public places, and members of Regional Council had indicated a willingness to go beyond the "bronze standard." Bolstered by these events, the MOH decided to recommend the "gold standard"—a complete ban on smoking in all public places and workplaces throughout the City of Ottawa, with no exemptions and no designated smoking rooms.

2. Medical Officer of Health's Leadership

The unwavering leadership of the City's Medical Officer of Health throughout the entire bylaw campaign was another critical factor in its success. As the author of the bylaw proposal, the MOH was front and centre in the media on a regular if not daily basis, not only as the chief authority on the health issues but also as the lightning rod for all opposition.

3. Supportive and Skillful Health Committee Chair

If the MOH was the public face of the bylaw, the Chair of the Health, Recreation and Social Services Committee was the political face. A strong supporter of tough anti-smoking policies and a long-serving veteran of municipal politics, the Chair's political skill was evident throughout the contentious Committee meeting on the bylaw. The Committee process was designed to ensure that all voices were heard but

⁶ The Ottawa Transition Board was given a one-year mandate (from January 2000-January 2001) to control the decisions of the old municipalities that could have significant financial consequences for the new City of Ottawa, to develop business plans for the new city to maximize tax savings, and to put in place the basic structure for the new municipality.

that closure would be achieved. One day was set aside for the meeting on the bylaw, with five minutes given to anyone who wanted to address the Committee. After a marathon 15-hour session, the Committee approved the proposed bylaw by a vote of 7-2. The Health Committee Chair continued to be an active supporter prior to the final vote by full Council on April 25th, lobbying the other members of Council to support the bylaw.

The Health Committee Chair also served as a key government spokesperson for and champion of the bylaw during the difficult transition phase.

4. Supportive Mayor

The strong and unwavering support of Ottawa's Mayor clearly made a difference in the outcome of the bylaw campaign. At the request of the OCSH, the Mayor's Office allowed the thousands of postcards to be presented to the Health Committee to demonstrate the strength of public support for the bylaw. During the implementation phase, the Mayor's tough and vocal public stance on enforcement and compliance issues was critical to the survival, intact, of this very strong bylaw in the face of tremendous opposition from PUBCO.⁷ In December, just prior to PUBCO's appearance before the Health, Recreation and Social Services Committee, the Mayor worked with a group of Councillors to circulate a petition indicating the unwillingness of Council to reopen the bylaw.⁸

C. Key Internal Factors

1. Funding

In the fall of 2000, the Ottawa Council on Smoking and Health and the City of Ottawa Public Health Branch submitted a joint proposal to the Ontario Ministry of Health and Long-Term Care to fund public awareness and educational activities as part of a campaign for a smoke-free bylaw

⁷ PUBCO stands for the "Pub and Bar Coalition of Ontario," a group of pub and bar owners that was officially formed in May 2001 with the goal of weakening/undoing Ottawa's bylaw. While claiming to have between 170-200+ members, PUBCO has steadfastly refused to make public their membership list. Since May 2001, PUBCO has largely been the face and voice of opposition to Ottawa's bylaw. They have conducted fundraising; developed and maintained a website to alert members of their activities; organized political rallies to oppose the bylaw; garnered a lot of media attention for their message; challenged the bylaw in court; and paid the legal fees of PUBCO members charged with violations. PUBCO has expanded their mandate to oppose the development of smoking restrictions in other Ontario communities and also to "fight against [any] unnecessary government regulation" of licensed establishments.

⁸ See Section III.D.1 for a full description of the OCSH postcard campaign.

in the new City of Ottawa. In December 2000, the Ontario government approved a joint grant of \$160,000. Most of the funding went to media buys and website development.

2. Leadership

The OCSH would not likely have been able to take on so much work during the campaign were it not for the experience and leadership of the OCSH President. A veteran of the tobacco wars, the President had participated in local, provincial, and national anti-tobacco campaigns for more than twenty years. Her dedication and fortitude set the tone for the team.

3. Expertise on Public Issues Committee

The Public Issues Committee of the Ottawa Council on Smoking and Health benefited from depth and breadth of expertise in health issues, tobacco control, and public policy advocacy. In addition to the President, the Chair of the Public Issues Committee was also a veteran anti-tobacco advocate. The Committee was supported by a health policy specialist with more than a decade of experience in tobacco issues. And last but not least, we were regularly energized and inspired by the dedication and personal experiences of a Committee member who suffers from severe environmental allergies including tobacco smoke.

4. Partnerships

The Smoke-Free Ottawa campaign was a partnership between the Ottawa Council on Smoking and Health, the City of Ottawa Public Health and Long-Term Care Branch, Ottawa Heart Beat, and Cancer Care Ontario Eastern Region Preventive Oncology Network. The partnership was formalized mid-January 2001. These three organizations also provided representatives to participate in the work of the OCSH Public Issues Committee. The OCSH and Public Health worked very closely on the public education components of the campaign, but Public Health staff could not participate in activities directed at influencing political decisions. Ottawa Heart Beat and the CCO Network provided us with a large network of agencies and individuals to call upon for help at various stages in the campaign. (See Appendix A for one of the letters we sent during the campaign to a list of about 1000 known supporters.)

D. Activities

The principal activities undertaken by the Ottawa Council on Smoking and Health during the bylaw campaign are described below, and a brief account is given of the lessons we learned.

1. Postcard Campaign




The postcard became the centrepiece of the OCSH's advocacy campaign, although the merits of a postcard campaign were fiercely debated by the OCSH Public Issues Committee before the decision was made to go ahead.

We relied on formal and informal distribution systems to circulate the postcards throughout the City. Postcards were given out by OCSH members during all of the Public Consultation Sessions. The OCSH Pres-




Cons of Postcard Campaign	Pros of Postcard Campaign
Could be expensive to produce large number of cards and cover postage.	Relatively inexpensive compared to other communications/lobbying tools, especially if don't pay postage.
Thousands had to be submitted in order to influence Councillors.	Although more effective, not realistic to expect thousands to write personal letters to Councillors.
Postage paid postcards could encourage opponents to throw them out, wasting limited OCSH funds.	Needed easy way for passive majority to show their support.
Opponents could exploit low numbers as sign of weak public support.	<p>Could minimize potential downsides by having postcard serve dual function. If too few postcards sent to Councillors, could argue that cards had nonetheless done their job of educating public.</p> <p>Side 1: education piece explained reasons for proposed bylaw;</p> <p>Side 2: advocacy piece asked supporters to give name, address, comments on why they wanted smoke-free bylaw.</p>

Why a smoke-free Ottawa? Pourquoi une ville d'Ottawa sans fumée?

Some facts you should know




-  Second-hand smoke contains more than 4000 chemicals, over 40 of which cause cancer.
-  Exposure to second-hand smoke causes lung cancer and heart disease in adult non-smokers, killing as many as 3,000 Canadians a year.
-  71% of Ottawa residents support smoke-free restaurants and 57% want smoke-free bars.

What a 100% smoke-free bylaw will do

-  Prohibit smoking in all workplaces, including bars and restaurants.
-  Protect children and adults from exposure to second-hand smoke in all public places.
-  Create a level playing field for restaurants and bars of all sizes.

**SMOKE-FREE
O₂TTAWA
SANS FUMÉE**

Parce que...

-  La fumée secondaire contient plus de 4 000 produits chimiques, dont plus d'une quarantaine cause le cancer.
-  L'exposition à la fumée secondaire cause le cancer du poumon et les maladies du cœur chez les non-fumeurs, et est responsable du décès de quelques 3 000 Canadiens et Canadiennes par année.
-  71 % des résidents d'Ottawa sont favorables à des restaurants sans fumée et 57 % veulent des bars sans fumée.

Buts d'un règlement municipal sans fumée

-  Interdire l'usage du tabac dans tous les lieux de travail, y compris les bars et les restaurants.
-  Protéger les enfants et les adultes contre la fumée secondaire dans tous les lieux publics.
-  Créer des règles du jeu équitables pour les restaurants et les bars, quelle que soit leur taille.

If you support a 100% smoke-free bylaw, please mail this card with your comments to Mayor Bob Chiarelli.

Name/Nom : _____

Address/Adresse : _____

Comments/Commentaires : _____

I SUPPORT
SMOKE-FREE
O₂TTAWA
SANS FUMÉE
J'APPUIE

Signature : _____

My Councillor is :
Mon/ma conseiller(ère) est : _____

Si vous êtes en faveur d'un règlement 100 % sans fumée, veuillez envoyer cette carte avec vos commentaires au maire, Bob Chiarelli.

Mr./M. Bob Chiarelli
Mayor/maire
110, av. Laurier Ave. West/ouest
Ottawa, ON
K1P 1J1

Ottawa-Carleton Council on Smoking and Health
Conseil d'Ottawa-Carleton sur le tabagisme et la santé
724-4212

www.smokefreeottawa.com
www.ottawasansfumee.com

Tip

We realized that most people would not know the name of their City Councillor, so we had all the postcards addressed to the Mayor. This also allowed us to get a count of the total number of postcards sent in.

ident sent a letter to a network of some 1000 known supporters, together with a postcard and campaign flyer.⁹ The postcard was advertised on the Smoke-Free Ottawa website and promoted on the OCSH telephone line. And all of us involved in the campaign gave out postcards to our own personal networks of neighbours, friends, and colleagues, who in turn distributed even more!

The health community was instrumental in distributing many thousands of postcards. Health professionals, who interface with the public in a variety of ways, such as well-baby clinics, were particularly effective. Doctor's offices, medical clinics, hospital waiting rooms, and public libraries were given bundles of postcards, along with the OCSH campaign flyer. (See Appendix A for a copy of the OCSH campaign flyer.)

Tip

Find an event already happening in your community with any connection to the issue of second hand smoke exposure—health, indoor air quality, children's welfare, health care funding, etc.—and piggy-back onto it for your purposes.

The OCSH and our Smoke-Free Ottawa partners also reserved a booth at the Capital Parent and Kids Show, held the weekend after the Health Committee meeting and before the final vote by full Council. We took advantage of having a large group of a key target audience—parents—in one place to recruit more people to actively support the bylaw. We had people sign postcards, and we encouraged them to call, write, or email their Councillors. Although time-consuming, the venue offered a wonderful opportunity to speak to people face-to-face about the need for the bylaw and importance of their involvement in the process.

In all, three printings of the postcard were required, with about 90,000 given out to members of the public. Some 6,000-8,000 postcards were completed and returned to the Mayor.

⁹ The list of supporters was developed over a period of years, as a result of various initiatives undertaken by the OCSH and Public Health. The list included health professionals, staff from OCSH member agencies, supporters of smoking restrictions who had called the region's Tobacco Information Line, and others. See Appendix page A-4.

2. Public Consultations

Public consultations sessions organized by the City of Ottawa's Public Health and Long-Term Care Branch were held in ten locations throughout the City between January 22 and February 22, 2001. The role of the Ottawa Council on Smoking and Health was to ensure that bylaw supporters attended each of the consultation sessions and spoke out in favour of the proposed bylaw. It is important to have a cross-section of the community represented at these sessions, including youth and seniors, hospitality sector employees, restaurant and bar owners, physicians and other health care workers, and people who suffer from exposure to second-hand smoke. An OCSH representative attended each session to speak in favour of the bylaw; to hand out and "I Support Ottawa" buttons to interested residents; and to take the names of people willing to help with the campaign.



Tip

You can't just put an ad in the newspaper and expect people to show up for public consultations. Rousting out supporters takes a lot of time and effort—and a lot of phone calls! Take advantage of the networks of your member agencies.

3. Website

The website concept was part of the public education plan designed by a communications agency for the Smoke-Free Ottawa campaign. The OCSH took the lead role in managing the website—www.smokefreeottawa.com—on behalf of the Smoke-Free Ottawa partners.

The website had many uses:

- Provided all kinds of factual information to the public about the bylaw—the health reasons for the smoking ban, the economic consequences of smoke-free bylaws, and the provisions of the proposed bylaw;
- Kept the public up-to-date on the campaign. The public was informed about important meetings and the activities of those opposed to the bylaw. Key newspaper articles and letters-to-the-editor were posted on the site;

Tip

Websites can be very valuable campaign tools, but to be useful, they must be heavily promoted and they must be kept current.

- Let the public know how they could get involved, for example by ordering and mailing in a postcard to the Mayor, by writing or calling their City Councillor, or by volunteering with the OCSH;
- Allowed the public to ask questions or to voice their views quickly and easily. Website visitors could vote in an unscientific poll measuring support for the bylaw or could email their comments on the bylaw;
- Supplied OCSH with the names of supporters to add to our database of supporters.

As of mid-March 2001, about two months after its launch, 70,000 hits to the website had been made. The survey consistently recorded about 80% support for the bylaw. Approximately 900 emails were sent to the website in favour of the proposed bylaw, compared to about 300 against the smoking ban.

Once the bylaw was passed by City Council, the Public Health and Long-Term Care Branch withdrew as a website partner. The OCSH wanted to take a harder stance against our increasingly vocal and confrontational bylaw opponents (PUBCO), and we wanted to use the website largely as a lobbying vehicle. This situation is one of several examples of how the roles and relationships of the partners changed after the bylaw was passed.

4. Bus and Radio Ads

Throughout the bylaw campaign, advertisements were featured on the backs of and inside City buses, on major radio stations, and in daily and community newspapers. The common slogan for all of these ads was “Smoke-Free Ottawa. Let’s Do It.” The purpose of these ads was two-fold. The bus ads directed people to the website for more information on the bylaw. The series of radio and print ads addressed the need for the bylaw from various points of view—a father wanting to protect his children from second-hand smoke, a waitress, and an asthmatic—and included the website address. (See Appendix A for a sample radio script.) The ads ran very frequently and were a key reason for the high degree of awareness among city residents regarding the bylaw proposal.¹⁰ The ads were sponsored by the Ottawa Council on Smoking and Health and its Smoke-Free Ottawa partners.



¹⁰ Bus ads included 100 exterior and 1400 interior boards. Newspaper ads included 32 spots in the three major dailies and 40 spots in community newspapers. Four radio stations carried 1440 English and 1080 French ads.

5. Meetings with Councillors

Tip

Brainstorm the names of potential meeting attendees as a group, but then designate 1-2 people to be responsible for contacting the individuals and setting up the meetings. We wasted a lot of time during many Public Issues Committee meetings updating the list of names and reviewing the status of the meeting plans.

This was the single most time-consuming (and frustrating) activity that the Ottawa Council on Smoking and Health undertook during the campaign, but undoubtedly one of the most important. The plan was to organize a meeting between every Councillor and a group of 3-4 citizens from his/her ward, including one of four core members of the OCSH, a representative of the health community, and someone from the local business community. The goals of these meetings were to educate the Councillors on the key issues related to the bylaw, to address their concerns, and to learn as much as we could about the views of other members of City Council.

Setting up these meetings was terribly time-consuming. First of all identifying at least three supporters with the appropriate backgrounds in each ward was no easy feat. In some wards, we made sure the business perspective was represented; in others, it was more important to include a senior citizen as part of the delegation. Contacting everyone and coordinating the schedules of four people plus the Councillor also proved very challenging.

We were successful in arranging a meeting with most Councillors. A few Councillors did refuse to meet with us, claiming that they were already fully onside, and a couple of others claimed that if they met with us, then they would have to meet with our opponents. Keep in mind that it is the job of Councillors to represent the view of their constituents. We recommend in both these scenarios to push for a meeting despite the Councillor's reluctance. Even if you do nothing to change the Councillor's perspective on the issue, you could learn useful information about what Councillors are concerned about or what your opponents are doing.

Our initial intent was to hold the meeting 1-3 weeks before the Health Committee meeting. We wanted the meeting to be close to the Health Committee meeting so that the information we provided would still be fresh in the minds of Committee members. However, we also wanted to allow ourselves sufficient time to follow-up on any concerns that were raised or to change tactics if necessary. We revised our plan to focus on Health Committee members before the Committee

Tip

If time permits, we recommend trying to meet twice with each Councillor. The intent of the first meeting is to collect information on the concerns of Councillors and should be held early in the campaign. This meeting need not involve a group of residents. The second and most important meeting should take place 1-3 weeks prior to a critical vote. This is the meeting where residents of the ward attempt to influence the views of their Councillor on the bylaw.

meeting, and to meet with the other Councillors in the three weeks between the Committee meeting and the final vote by full Council.

We also arranged a meeting with the Mayor and his senior staff. Although we knew the Mayor believed in the bylaw, we felt it was important to send a delegation of influential members of the community to bolster his support and if possible to learn how we could improve our chances of success with full Council.

Tip

Don't forget to meet with the Mayor and/or his/her senior staff. The Mayor might have a different perspective on the issue and could provide useful advice. Take along your most prominent supporters.

6. News Conference

The OCSH organized a news conference to be held the day before the meeting of the Health Committee. We wanted to generate positive news coverage immediately prior to the critical vote in Committee.

The difficulty was in coming up with *news*—the key requirement of a 'news' conference. Since we had nothing particularly new to say at that point in the campaign, we decided on a diverse panel of speakers, including an international expert on ventilation issues:

- **Public Issues Committee Chair: host, moderator;**
- **well-known local physician: health issues;**
- **staff person from a national NGO, the Non-Smokers' Rights Association: the suspected collusion of the tobacco industry in this and other bylaw fights;**
- **senior official with City of Waterloo Health Department: the Waterloo experience;**
- **international expert on ventilation and second hand smoke: the problems with the ventilation "solution."**

The news conference was by far the most professional event ever hosted by the OCSH. With our distinguished panel of experts and our attention to the many details involved in organizing a news conference, we succeeded in getting media coverage for our story on television, on local radio stations, and in the newspapers.

Tip

To maximize media attendance at a news conference, fax reporters an invitation 3-4 days in advance of the event, then follow up with a phone call the day before. Ideally someone with media experience should make the calls.

We might have gotten even more coverage, however, had it not been for the unpredictable upstaging of our event by the federal government's announcement

Tip

A news conference is an ambitious undertaking. To organize a successful news conference, you need someone with experience to look after the myriad details.

Tip

Don't choose spokespeople based on their credentials alone. It is vitally important that panelists be good communicators and be able to speak in "media bites."

of a new tobacco strategy. Keep in mind that despite your best efforts, your story may be pre-empted by other news stories.

Tip

Check if any other big events or announcements are planned for the day of your news conference. If so, try to change your date.

7. Health Committee Meeting

The OCSH was very involved in getting bylaw supporters to appear before the Health, Recreation and Social Services Committee. We spent a great deal of time contacting people to ask them to submit their names to the Committee Clerk. We were seeking a variety of speakers who could address the issues from many perspectives—tobacco control experts, health practitioners, and ordinary citizens, male and female, youth and seniors, and residents of key wards.

Tip

Save a “super-star” presenter for last, when Councillors may be weary or may have forgotten key pieces of information from earlier in the meeting.

The OCSH provided advice to speakers on the particular aspects of the bylaw issue that they should address in the five minutes allotted to them. We wanted to ensure that there was a good balance between personal experiences and expert testimony, and that all sides of the issue were covered—health, ventilation, economics, fairness, etc. We had contracted with an international expert on second-hand smoke to participate in our news conference and also to testify before Health Committee. His testimony emphasized the inadequacy of ventilation systems to reduce the health risks from tobacco smoke exposure to an acceptable level. The OCSH President focused on the extent of public support. To add drama to her presentation, OCSH volunteers dumped all 6,000-8,000 postcards by the podium during her speech. Two OCSH members with expertise in tobacco control were scheduled to speak late in the day and used their time to rebut the testimony of previous speakers.

After almost fifteen hours of hearing witnesses, Health Committee approved the bylaws prohibiting smoking in all public places and workplaces, with no designated smoking rooms, by a vote of 7 to 2. Full Council was set to consider the bylaw eighteen days later.

8. Calls to Supporters Before the Final Vote

Although all signs were in our favour, we felt we needed to do something close to the day of the final vote by full Council. We were also concerned that many people had concluded that the bylaw had been passed, when in fact it had only gone through the first hurdle of Health Committee approval. Our solution was to call known supporters and urge them to call their City Councillor and ask him/her to vote in favour of the bylaw. Getting residents to make personal contact with their Councillors throughout the campaign and particularly at this critical point was the most difficult but the single most important thing the OCSH did to influence Councillors to support the bylaw.

Identifying supporters and making the calls was a hugely labour intensive undertaking! Two volunteers spent the weekend sorting the postcards (most included the signatory's address) by ward. To reduce the amount of work, we focused on key Councillors—fence-sitters, those that wanted to support the bylaw but were getting opposition from others in the ward, and opponents who we felt could be swayed in our favour. (Ottawa City Council is comprised of 21 Councillors and the Mayor.) Volunteers looked up the phone numbers of the postcard signatories in these key wards. We also included the people on our original list of about 1000 supporters.

The national tobacco control organization Physicians for a Smoke-Free Canada (PSC) agreed to partner with us to carry out this project. PSC donated the use of their offices and phones after hours and hired students (senior high school and college) to make the calls to supporters. We prepared several scripts for the students to use as a guide when making the calls, and a member of the OCSH Public Issues Committee or PSC staff was available to answer any questions that came up. About 1500 calls were made over five nights, starting the week before the vote by full Council.

We heard from many Councillors that they were inundated with calls from constituents, so we know that this endeavour was a success.

Tip

Don't waste a lot of time and effort on unsupportive councillors whose views you are unlikely to change.

Tip

Don't rely on volunteers for everything; they will burn out! Hire students for labour-intensive jobs. Train them and have someone familiar with the campaign on-hand to help.

9. Advocacy Ad

Again to keep the momentum in our favour, we took out an advocacy ad in Ottawa's three major dailies, *The Ottawa Citizen*, *The Sun*, and *Le Droit*, on the Saturday before the Wednesday City Council meeting. With the heading "Smoke-Free Ottawa Still Needs You," the ad urged residents to call their City Councillor prior to Wednesday's vote to ensure that the Councillors were aware of the extent of support in their wards. The ad included the phone numbers of all Councillors, as well as several testimonials in support of the bylaw taken from the postcards. (We got permission from the postcard signatories to use their statements.)

Smoke-Free Ottawa still needs you!

The proposed by-law to ban smoking in all public places and workplaces represents the single most important measure City Council can take to improve the health of Ottawa citizens. The by-law was approved by the Committee on Health, Recreation and Social Services on April 6th. It must earn the vote of a majority of City Councillors on April 25th before it becomes law.

Your City Councillor needs to hear from you before the vote. The silent majority **MUST** speak out now if we are to protect the health of Ottawa's citizens from second-hand smoke.

So what do you say Ottawa?

"My husband has been a non-smoking bartender for more than 20 years. I am afraid I may lose him early if his job – which he loves – exposes him to smoke. His life should have value beyond any smoker's right to smoke in his workplace." KATIE TALLO

"As a former three-pack-a-day smoker (quit in October 1998), stopping was the hardest and best thing I've ever done. With a smoke-free environment maybe my daughter won't ever have to go through it." KAREN G. WESTON

"I lived in Waterloo when this law was introduced there. Dire warnings of financial losses by bar owners did not come true, as people with asthma and allergies were finally able to visit these places. I was shocked when I moved to Ottawa and had to cope with second-hand smoke again. I am in the majority!" REBECCA FLYER

Let's make all our voices heard.

Call your City Councillor and say you support a smoke-free Ottawa:

Mayor Bob Chiarelli	580-2496	Councillor Michel Bellemare	580-2481
Councillor Herb Kreling	580-2471	Councillor Madeleine Meilleur	580-2482
Councillor Rainer Bloess	580-2472	Councillor Jacques Legendre	580-2483
Councillor Jan Harder	580-2473	Councillor Elisabeth Arnold	580-2484
Councillor Alex Munter	580-2474	Councillor Shawn Little	580-2485
Councillor Dwight Eastman	580-2475	Councillor Wendy Stewart	580-2486
Councillor Janet Stavinga	580-2476	Councillor Clive Doucet	580-2487
Councillor Alex Cullen	580-2477	Councillor Peter Hume	580-2488
Councillor Rick Chiarelli	580-2478	Councillor Phil McNeely	580-2489
Councillor Gord Hunter	580-2479	Councillor Doug Thompson	580-2490
Councillor Diane Deans	580-2480	Councillor Glenn Brooks	580-2491

If you are not sure who your City Councillor is, call the City of Ottawa 24-hour information line at 580-2400.

This ad has been sponsored by the following organizations:

Ottawa-Carleton Council on Smoking and Health

smokefreeottawa.com

Regional Heart Beat Committee

ottawaheartbeat.com

Cancer Care Ontario Eastern Region – Preventive Oncology Network

cancercare.on.ca

10. Submission to City Council

The OCSH decided to submit our written brief to City Councillors just prior to the meeting of full Council at which the bylaw would be voted on. We thought that if we submitted it earlier, it could get lost amidst the other “noise” related to the bylaw. But just three days before the vote, we hoped that we might, in a sense, have the final word. The brief was written in question and answer format, with references. We addressed all of the major issues and arguments that were raised throughout the campaign on both sides of the debate, but kept the answers brief. (See Appendix A for a copy of the OCSH submission.)

In addition to the brief, OCSH members hand-delivered to each Councillor the stack of postcards from his/her constituents that had been sent to the Mayor. We also gave each Councillor a 3-inch binder containing a photocopy of all of the positive email messages that had been sent to the Smoke-Free Ottawa website.

11. Ongoing Media

One of the things that we did best throughout the campaign was monitoring and responding to media coverage—primarily print media. (See Appendix A for samples of our work with the media.) Our job was made much easier by an online tobacco news service, which provided us with daily coverage of all the pertinent articles on the bylaw. Again by email, members of the Public Issues Committee would communicate and decide whether a particular piece needed a response and if so who might be in a position to draft one. We would then assess whether strategically it would be preferable to have the response come from a doctor, member of the business community, unknown lay person, member of the OCSH, etc., and would seek an appropriate signatory. It is important to note that throughout the bylaw campaign, many positive letters-to-the-editor were written by members of the public whom we did not know.

We also monitored the activities of the media during the marathon Health Committee meeting. After an OCSH member took a television reporter to task for running after every witness who spoke against the bylaw, the OCSH ended up with excellent coverage on that particular station!

Tip

Media coverage of your point of view is essential to success in an advocacy campaign. Try to cultivate a relationship with a few key reporters, so they will seek out your position on developments throughout the campaign.

Tip

Develop an inventory of writers who can write short and punchy letters to the editor. To improve your chances of getting published, responses to articles and letters to the editor should be submitted to the newspapers very shortly after the piece appears in the paper.

Phase 3 Safeguarding the Victory

IV

A. Court Challenge

Shortly after the passage of the smoke-free bylaw and for the better part of two months, PUBCO was successful in gaining considerable publicity merely for repeating their claim that they were going to challenge the bylaw in court.

In an effort to generate some publicity for our side of the issue, and potentially to head off a legal fight (although we recognized that this was a long shot), the OCSH commissioned a legal opinion to look at the grounds on which PUBCO could challenge the bylaw and their likelihood of success. We were fortunate that a local lawyer with a long history as an anti-tobacco advocate and volunteer agreed to prepare the legal opinion for us and to do so for a substantially reduced fee. The national anti-tobacco advocacy group Physicians for a Smoke-Free Canada (PSC) agreed to partner with us on this project, since the legal opinion would benefit groups across the country. The OCSH and PSC held a news conference in late June in the boardroom of our lawyer's firm. We earned very good media coverage from most outlets, except Ottawa's major daily, despite their health reporter submitting an extensive piece on the story. (See Appendix A for a copy of the news release.)

A few weeks later when PUBCO announced they had filed a challenge to the bylaw with the Ontario Superior Court, the OCSH was ready with substantive arguments regarding their slim chance of success. Although the OCSH could not play a role in the legal challenges, we attended the Superior Court trial and provided comments to the media on PUBCO's arguments and the importance of the bylaw.

B. Implementation

1. Pub Crawl

The OCSH realized that in the months immediately following the passage of the bylaw and in the early months post-implementation, the media would be dominated by negative reaction to the bylaw. We felt it was necessary to generate positive media stories in whatever way we could. One such initiative was a “pub crawl” organized for August 1, 2001, the date the bylaw came into force. The goal was to emphasize that the public wanted and would patronize smoke-free bars and, of course, to celebrate our victory!

With many people away on holidays in July, not a lot of time was devoted to organizing this event. An invitation to join us for the pub crawl was emailed to our informal network of about 1000 supporters and to local media outlets. Attendees were provided with bilingual “Enjoy Smoke-Free Ottawa” T-shirts, as a way of identifying the group, as a visual for photographs, and as a souvenir of the historic occasion!

Although attendance at the event was disappointing (about 50 people), we got good media coverage from most reporters and those who participated had a wonderful time! One columnist did emphasize the poor turn-out, however, suggesting that if this was typical of the extent to which non-smokers would be returning to the bars, the bar owners’ dire predictions of economic losses would soon be proven true.

2. “Ashtrays To Art”

The idea for the “Ashtrays to Art” project similarly came from a desire to generate positive media coverage in the period when there would be nothing new to say about the bylaw. What began as a joke in a brainstorming session quickly evolved into an idea with potential—collect ashtrays from the bars and restaurants that would no longer be needing them, hold a contest to encourage participation, and create a sculpture from the discarded ashtrays with a theme somehow related to the bylaw. One OCSH member knew of a local artist whose specialty was in making art, sculptures in particular, from found objects. The well-known native artist Ron Noganosh agreed to produce up to three sculptures of different sizes for a modest fee.

The project did not proceed exactly as planned. The news release announcing the project and the contest received good publicity. The fire stations and YMCA-YWCA centres agreed to collect the ashtrays, but

very few were dropped off. Many businesses had already gotten rid of their ashtrays, did not know about the contest due to insufficient publicity, or were keeping their ashtrays in case the bylaw was amended. In the end, most ashtrays came from Smoke-Free Ottawa partners soliciting donations from their friends and the businesses they patronize.

The announcement of the contest winners and the unveiling of the sculptures were thus postponed by several months. The news conference was finally held on Weedless Wednesday, and the media coverage for the event was good.

3. Ads

Another major initiative of the OCSH during the transition period was the development and placement of a series of advertisements highlighting positive outcomes of the bylaw. Two "Smoke-Free and Loving It" ads were placed in a major daily newspaper, twelve community papers, a business journal, and an entertainment weekly. As well the ads were mailed to the list of 1000 supporters with an accompanying "call to action." The first "call to action" in December 2001 asked people to call their councillor and tell them how much they liked the bylaw. The second, in January 2002, asked people to inform the owner or manager of the bar, restaurant, bingo, billiard, or bowling hall they were visiting how much they enjoyed the smoke-free establishment.

Another set of ads was run to coincide with the first anniversary of the bylaw coming into force. The OCSH felt it was important for the community to recognize that twelve months later the bylaw was running smoothly and the vast majority of residents were enjoying smoke-free public places.

These ads were made possible by the financial assistance the OCSH requested and received from the Ontario Tobacco

Smoke-Free and Loving It!

"We are really happy with the smoke-free by-law. Now, we can go to bars and no longer have to worry about itchy eyes, scratchy throats, and clothes that reek of smoke."
Nov. 2001
Gregory Johnston,
University of Ottawa Student

"We used to have a smoking section, but actually got rid of it two months before the by-law...on Mother's Day. The response from our patrons was 'good for you'...and the very few who were initially upset, have since come back because they missed the food and atmosphere. Overall, the change has been welcomed!"
Kathleen McConville,
Co-Owner
Glen Scottish Pub & Restaurant, Ottawa

"The compliments we have received have been unbelievable. There's a distinctive aroma to a deli that comes from the smoked meat. It's that aroma that gives a deli its character and the cigarette smoke was ruining our deli atmosphere. I did this as much for my customers as for my staff. Everyone is so pleased."
David Smith, Owner
Kate's Steakhouse & Deli, Ottawa

This message is brought to you by the Ottawa Council on Smoking and Health
724-4212

Let your voice be heard. Call your councillor and support the smoke-free by-law.
580-2400

www.smokefreeottawa.com

Strategy Media Network. It is important to note that various sources of funding are available for community groups involved in bylaw campaigns, including the Ontario Tobacco Strategy Media Network; the Ontario Tobacco-Free Network (OTN); the Program Training and Consultation Centre (PTCC); and the Ontario Ministry of Health and Long-Term Care. Sometimes all it takes is to make a good case for your funding need and then to ask for it! Some organizations will, however, ask for a formal, written proposal. In these cases, it is helpful to have someone on your team with strong planning, budgeting and writing skills.


C. Enforcement

The OCSH recognized that the responsibility for enforcement of the bylaw lay with Bylaw Services; nonetheless, we believed that we had an important role to play in ensuring that the enforcement effort was adequate to safeguard the level playing field we had fought so hard to win. From experience elsewhere, we knew that without uniform and vigorous enforcement, the bylaw would be at risk of being weakened or undone.

During this phase, we stayed very much behind the scenes. We attended the trials in January and February 2002 when the initial cases challenging tickets came before the Provincial Offences Court. We also applied pressure on the City, urging a decisive response to problems as they arose, in particular the establishment of private clubs to circumvent the bylaw and covered patios.






Smoky blues without the smoke



I remember the days when hosting a band at the club meant watching the show through a cloud of smoke. I'm quite certain that the idea of being in a smoky club deterred some music fans from enjoying the performance. But now that the smoke has cleared, it all sounds better, whether it's blues, pop, indie rock, world beat, ska or Celtic. Smokers and non-smokers have noticed the difference. And my staff is no longer singing the blues about second-hand smoke. Thanks to Ottawans for supporting the smoke-free initiative. On with the show!

Eugene Haslam
Owner, Zaphod Beeblebrox
www.zaphodbeeblebrox.com



www.smokefreeottawa.com

Conclusions



A. What We Did Right

The success of the bylaw campaign testifies to the fact that we did a lot of things right. Here in brief is our top ten list.

1. Obtained funding.

The grants from the Ministry of Health and Long-Term Care and from the Ontario Tobacco Strategy Media Network enabled us to finance key projects that were instrumental to our success.

2. Developed a detailed plan.

At the beginning of the campaign, we developed a detailed plan to educate the public and politicians about the issues and to mobilize the public to communicate their support to the City Councillors. And we stuck to our plan, although we were also flexible enough to change course at times when we felt it was strategic to do so.

3. Kept the focus on health.

Bylaw opponents win when the emphasis in the debate is shifted to questions of economics, freedom of choice, or ventilation. Although these issues must still be addressed in some fashion, the public and politicians must constantly be reminded that the bylaw is about safeguarding health.

4. Recruited expertise.

We assembled a core group of individuals with expertise in tobacco and health issues and with passion for the cause. We also contracted a consultant who specializes in tobacco control to provide ongoing advice on campaign strategy and to perform a lot of the legwork, most of which had to be done to very tight deadlines.

5. Started early and finished late.

Our work on the smoke-free bylaw began years earlier with our involvement in other municipal bylaw campaigns around the Ottawa-Carleton region. We stayed actively involved for nine months after the bylaw was passed to ensure that its implementation was successful.

6. Used the media.

We used paid media to educate the public. We were proactive in seeking media coverage of our position. We were diligent in monitoring the media and responding effectively to negative pieces about the bylaw.

7. Took advantage of the Internet.

We used technology to full advantage. We developed a website to communicate with the public. We used email to communicate quickly and at all hours with team members. Given the pace of the campaign and the frequent new developments, it was vitally important to have any easy way to keep people informed. We used tobacco control list-serves to stay up-to-date on developments and to learn from the experience of colleagues around the world. And we encouraged residents to email notes of support to their Councillors.

8. Developed relationships with supportive Councillors.

We identified supportive Councillors early in the campaign and kept in regular contact with them. These Councillors helped us to understand what was happening from their perspective.

9. Kept our finger on the political pulse.

From the beginning of the campaign, we attempted to learn what the concerns of the individual Councillors were, and we focused on responding to those concerns, using residents of their wards wherever possible. All councillors are sensitive to the views of their own constituents, so it is important that pressure to support the bylaw be ward-specific.

10. Put a human face to the issue.

It is vitally important to counter the emotion on the other side of the debate—from the small bar owner fearing the loss of his livelihood, from the parent whose child has received help from a charity supported by bingo revenues, from the adamant smoker objecting to the loss of his

“right” to smoke. The public and councillors need to hear that feelings run equally deep in support of smoking restrictions—from hospital workers and physicians treating people with illnesses caused by second-hand smoke, from asthmatics whose freedom and quality-of-life are severely restricted because of smoke-filled public places, etc.

B. What We Could Have Done Better

There are a number of ways in which we could have improved the operation of our advocacy campaign and improved our chances of a positive outcome.

1. Partnerships

Because the campaign got off to a running start, we did not take the necessary time to get the details of the partnerships established beforehand, for example, by agreeing on the nature and extent of the contribution of each member agency. Having a better understanding of roles and responsibilities up-front would have simplified the work planning and prevented the various misunderstandings that arose during the campaign.

2. Coordinated Strategies

The immediate launching of the campaign into high gear also meant that we did not do enough work with Public Health upfront to ensure that our two strategies were coordinated. There is often a fine line between educating the public and policy-makers about a particular issue—Public Health’s role—and influencing the public and politicians to support a particular approach to the problem—the OCSH’s role. Thus it makes sense that these two elements be closely aligned. Greater coordination of our two strategies would have made the campaign run more smoothly.

3. Bingo Issue

A significant shortcoming was not being prepared for the bingo/charity issue from the beginning. The bingo operators were fronted to a large extent by small, local charities that were very successful in gaining public sympathy. The bingos might well have convinced City Council to grant them an exception, eliminating the level playing field and spelling the end of the complete smoking ban. In hindsight, we should have invested more time to understand the bingo issue better and to find more charity volunteers who would agree to come forward and support the bylaw publicly.

4. Transition Phase

While we expected some continuing hurdles during the transition period after passage of the bylaw, we seriously underestimated the duration of this period and the importance of the OCSH's involvement during this phase. We should have planned our strategy and resources to cover an additional three to six months after the bylaw came into force. During these crucial first months of implementation, the focus of the debate shifted away from health, and the MOH was no longer the City's primary spokesperson on the issue. At this stage, it is important to have an organization working to ensure that the health rationale for the bylaw does not get lost in the initial hue and cry over anticipated business losses and smokers' loss of freedom.

C. Remaining Challenges

1. PUBCO

PUBCO—the Pub and Bar Coalition of Ontario—shows no signs of accepting the bylaw and going away. They are presently considering appealing the Ottawa bylaw to the Supreme Court. In the meantime, some PUBCO members continue to flout the bylaw and to defend charges in court. As of August 15, 2002, however, PUBCO was no longer supplying legal counsel to defend tickets issued to members for “permitting smoking” or “provision of ashtrays.” PUBCO has two staff members and a permanent office in Ottawa and continues to recruit across the province, with members in Toronto, Kingston, Belleville, North York, Smith Falls, Orillia, Collingwood, and Cornwall. PUBCO has also been active in opposing smoke-free bylaws in other communities in Ontario, including Cornwall, Toronto, York Region, Barrie, and Belleville.

2. Bingo Halls

The problem of lower bingo revenues, and hence reduced funding for the many charities they support, is a highly charged, emotional issue. Many individuals who volunteer at bingos on behalf of their charities want smoke-free bingos but fear that their charities will lose money as a result and so are reluctant to publicly support the smoking ban. In many communities, bingo owners and their patrons have rattled the cages of city councillors and succeeded in obtaining exemptions for bingos and other adults-only facilities. We firmly believe that there are solutions to the unique situation facing bingo operators—ten years of declining revenues and a predominantly smoking clientele—that don't necessitate a weakening of smoking prohibitions or a loss of funding to the

charities. But the regulation of bingos is a complex issue, involving both provincial and local authorities. In our opinion, real solutions will require policy changes by the provincial government, which likely won't happen without a broad-based and highly coordinated lobbying effort. Such a campaign would best be spearheaded by a provincial organization with the support of local health groups throughout the province.

3. Outdoor Patios

With smoking prohibited in all indoor public places in Ottawa, outdoor patios quickly became the refuge for smokers. Throughout the winter of 2001, numerous bar and restaurant owners covered their patios with structures of different kinds, some with portable heaters, creating de facto "smoking rooms." Not only did the patios break the spirit if not the letter of the bylaw, they also posed fire hazards and other health and safety risks. The City of Ottawa's response was to send bylaw officers to examine the patios on a case-by-case basis. Many were found to be in violation of various building codes and were ordered to be uncovered. The issue will continue to be a problem in the absence of a clear city-wide policy dealing with the issue. As well, many non-smokers have expressed consternation that they can no longer enjoy a drink or a meal outside given the concentration of smokers on outdoor patios.

Appendix A


Campaign Documents



- 1. Campaign flyer**
- 2. Text of radio ad**
- 3. First letter to 1000 list urging participation in the Smoke-Free Ottawa Campaign**
- 4. News Release from April 5th news conference**
- 5. OCSH written submission to City Councillors**
- 6. News release from June 27th news conference announcing legal opinion re court challenge of the bylaw**

1. Campaign flyer

Second-Hand Smoke: Let's Clear the Air!



What's the problem?

- ➔ Second-hand smoke contains more than 4000 chemicals. Over 40 of these chemicals cause cancer.
- ➔ Second-hand smoke causes lung cancer and heart disease in adult non-smokers.
- ➔ Second-hand smoke kills an estimated 3,000 Canadians every year. *These deaths are all preventable.*
- ➔ Second-hand smoke makes children sick – It causes ear infections, asthma, bronchitis, and pneumonia.
- ➔ Babies exposed to second-hand smoke are at much higher risk of dying from Sudden Infant Death Syndrome (SIDS).
- ➔ Second-hand smoke is a major source of indoor air pollution.

What's the Solution?

A 100% Smoke-Free Bylaw

To protect all employees from exposure to second-hand smoke in the workplace.

To provide equal protection for white and blue collar workers. Right now many office workers are protected from second-hand smoke, but many other employees are not.

To protect children and adults from second-hand smoke in all public places.

To create a level playing field for restaurants and bars, regardless of their size or location.

To protect hospitality workers, most of whom are under 25, from serious health risks.

To grant people with breathing problems and allergies greater freedom to work, to dine out, to shop, and to play.

To give the citizens of Ottawa what you want – clean indoor air in public places and workplaces, including restaurants and bars.

None of this will happen without support from YOU - the silent majority

How Can You Help?

Make Your Voice Heard

- ✓ Telephone, write, e-mail, or meet with your City Councillor.
- ✓ Give your reasons for supporting the bylaw and tell your Councillor that you are counting on his/her support.

Send In a Postcard

- ✓ Mail a campaign postcard to Mayor Bob Chiarelli. Postcards are available from the Ottawa-Carleton Council on Smoking and Health (OCCSH) at 724-4212.

Spread the Word

- ✓ Talk to your friends and colleagues about the importance of the bylaw.
- ✓ Write letters to the editor or phone 'call-in' shows to indicate your support.

Volunteer With the OCCSH

- ✓ There is lots of work to do before we reach our goal of clean indoor air.
- ✓ Call the OCCSH at 724-4212 and say you want to help!

Together we can make our city smoke-free!

SMOKE-FREE
OTTAWA
SANS FUMÉE

The Smoke-Free Ottawa campaign is led by the Ottawa-Carleton Council on Smoking and Health, in partnership with the City of Ottawa Public Health and Long-Term Care Branch, Regional Heart Beat Committee, and Cancer Care Ontario Eastern Region Preventive Oncology Network.

2. Text of radio ad

Radio 2

(Sounds of grill, cash register, restaurant sounds, in the distance, off mike)

Female voice: Need more water? I'll be right back.

On mike:

I work in a restaurant. The tips are great and I have my days for classes. But some nights, the smoke is so thick I can't breathe. That's why I support the proposal for a new smoke-free Ottawa by-law which means that people won't be able to smoke in public places, like restaurants, bars, billiard halls and bowling alleys. To voice your support visit www.smokefreeottawa.com. Or call 724-4212.

Announcer: Smoke-free Ottawa. Let's do it.

3. First letter to 1000 list urging participation in the Smoke-Free Ottawa Campaign

OCCSH
COCTS

ottawa-carleton council on smoking and health

conseil d'ottawa-carleton sur le tabagisme et la santé

495 chemin Richmond Rd., Ottawa, Ontario K2A 4A4

February 23, 2001

Dear Heart Beat Partner,

We are writing to urge you to participate in our campaign to improve the health and quality of life of all residents of our new City of Ottawa.

The Ottawa-Carleton Council on Smoking and Health (OCCSH) is campaigning for a bylaw that would make all public places and workplaces in our city completely smoke-free. But we can't do it alone—we need the active support of organizations and individuals like you who want to be able to breathe clean air in all indoor public places and workplaces.

Simple things you can do

There are many ways in which you can make a valuable contribution to the campaign—depending on your time and your talents. Even though public support is at an all-time high, Councillors need to hear from their constituents. *In fact, the most important thing you can do is to let your Councillor know—in whatever way you are comfortable—that you want a 100% smoke-free bylaw:*

- Send an OCCSH campaign postcard to Mayor Chiarelli indicating your support. Educate your friends, neighbours, and colleagues about the need for the bylaw, and encourage them to send in postcards.
- Mail or fax a personal letter to your Councillor, explaining why you support the bylaw. Say that you're counting on his/her support and would like a response because you want to know where he/she stands on the issue.
- Telephone your Councillor. If you are unable to speak with the Councillor, ask that someone return your call as you are counting on your Councillor's support and want to know where he/she stands on the issue.
- Email a brief message to your Councillor. Again, say that you're counting on his/her support and would like a response because you want to know where he/she stands on the issue. Be sure to include your home address and phone number.
- Attend the April 6th meeting of the Health Committee and voice your support. If you are not comfortable speaking in public, wear a campaign button and help us create a strong visual show of support. Call us if you need information on time and location.

... /2

Key messages for your Councillor

Our goal for the bylaw is to require that all public places and workplaces, including restaurants and bars, become completely smoke-free. *This is the key message to communicate to your Councillor.*

There are two other issues that we recommend you address with your Councillor—designated smoking rooms and the implementation schedule. How Council deals with these key issues will have a major impact on the effectiveness of the bylaw:

- Designated smoking rooms (DSRs). Designated smoking rooms must *not* be permitted. Service staff and children continue to be exposed to high levels of second-hand smoke in designated smoking rooms. DSRs also create an unlevel playing field for restaurants and bars.
- Implementation. The bylaw must come into force May 31st 2001 or very soon thereafter in order to harmonize the existing no-smoking bylaws of the former municipalities and to prevent an enforcement nightmare.

To help you help us

To make it easier for you to get involved, we have included the following items with this letter:

- ✓ campaign pamphlet;
- ✓ campaign postcard (and order form for more postcards);
- ✓ form letter that you can complete and mail in as is, or adapt and personalize;
- ✓ list of City Councillors and their contact information.

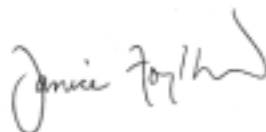
If you would like further information about second-hand smoke or about the campaign for a 100% smoke-free bylaw, please call the OCCSH at 724-4212 or visit the Smoke-Free Ottawa website at www.smokefreeottawa.com.

Together We Can Make Our City Smoke-Free!

Sincerely,



President
Ottawa-Carleton Council
on Smoking and Health



Vice-President
Ottawa-Carleton Council
on Smoking and Health

4. News Release from April 5th news conference



ottawa-carleton council on smoking and health
conseil d'ottawa-carleton sur le tabagisme et la santé
495 chemin Richmond Rd., Ottawa, Ontario K2A 4A4

a member of the council for a tobacco-free ontario / membre du conseil anti-tabagisme de l'ontario

News Release

For Immediate Release

5 April 2001

Smoke-free bylaw: Boon for public health; business won't go bust!

Ottawa—Today a panel of experts assembled in Ottawa to set the record straight on the impact of smoke-free bylaws.

"We felt it was necessary to bring together the experts on second-hand smoke and smoke-free laws to counter the claims being made based on fear and misinformation," stated Janice Forsythe, Vice-President of the Ottawa-Carleton Council on Smoking and Health. "The public and City Councillors need to hear *the facts*—facts based on scientific research and on experience in other communities. Smoke-free laws are good for health and good for business!" said Forsythe.

Ottawa's Medical Officer of Health, Dr. Rob Cushman, has called the proposed bylaw to prohibit smoking in all public places and workplaces "the single most important public health intervention available at the municipal level of government." Dr. Rick Hodder, Chief of the Critical Care Department at the Ottawa Hospital, agrees. "The need for a complete ban on smoking in public places is justified by the extent of the health risk from breathing second-hand smoke," explained Dr. Hodder. "There is no safe level of exposure. Period."

Second-hand smoke exposure is responsible for 40-60% of the cases of asthma and chronic bronchitis among children 2 years old and under. For those who suffer from lung diseases like asthma and emphysema, breathing second-hand smoke often triggers acute attacks. And second-hand smoke exposure is the third most important cause of lung cancer, causing the death of more than 300 non-smoking Canadians every year. "Workers in the hospitality industry who work in smoky establishments have a 50% higher risk of developing lung cancer than the general population," emphasized Dr. Diane Logan, Regional Coordinator, Cancer Care Ontario Region - East. "The public demands a clean and safe water supply. The need for clean air is just as great."

Mr. James Repace, international expert on ventilation technology and second-hand smoke, explained there is only one way to remove tobacco smoke from indoor air—eliminate the source. "A ventilation system has not been invented that is capable of reducing to an acceptable level the risk to health from breathing second-hand smoke," asserted Repace. "For this reason, above all others, separately ventilated or designated smoking rooms are not a viable option. Hospitality workers who service these smoking rooms—even those who smoke themselves—are at much higher risk of lung disease, cancer, and heart disease," explained Repace.

The need for a level playing field for all businesses is another reason why designated smoking rooms will create more problems than they solve. Employees of restaurants and bars deserve the same standard of health protection and the owners deserve to follow the same set of rules. This is the philosophy adopted by Waterloo Regional Council for their smoke-free bylaw which came into effect more than a year ago. "I am here to tell you that the bylaw has had no adverse impact on our bars and restaurants, despite what you may have heard anecdotally," stated Brian Hatton, Director of Environmental Health with the Regional Municipality of Waterloo. "Sure, some bars went out of business, as they do every year, but none has been proven to close as a result of the no-smoking bylaw. Our bylaw initially allowed for an exemption for businesses that could *prove* loss of sales due to the smoking ban, but the exemption has since been eliminated, since the studies and evidence support the fact that smoke-free bylaws do not adversely affect business."

Waterloo is just one of many communities that have suffered no economic harm from a ban on smoking in public places. Scientifically valid research studies done on the state of California, the province of British Columbia, and British Columbia's Capital Region District all show that after a brief adjustment period, overall sales receipts of smoke-free bars and restaurants remain the same or increase.

"Rumours of declining business because of smoking restrictions can generally be traced back to the tobacco industry, which has a long history of hiding behind restaurateurs and other small businesses in its efforts to torpedo public health measures," said Francis Thompson, policy analyst with the Non-Smokers' Rights Association. "We shouldn't be surprised, since it is the tobacco industry itself that experiences real losses from smoking bans," explained Thompson. Various studies demonstrate that workplace and public places smoking bans cause smokers to reduce the amount they smoke and to quit in greater numbers. "An internal study done by tobacco company Philip Morris revealed total workplace smoking bans resulted in an 11-15% decrease in tobacco use and an 84% jump in the quit rate," said Thompson.

"The bottom line is clear," concluded Janice Forsythe of the Council on Smoking and Health. "Smoking bans are a win-win. With support for the proposed bylaw running at 74% or higher among Ottawa residents, politicians can score a political victory at the same time as a victory for public health. With so much evidence to support the smoking ban, how could they do otherwise?"

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For further information, contact
Janice Forsythe, Vice-President
Ottawa-Carleton Council on Smoking and Health
(613) 798-3442

5. OCSH written submission to City Councillors

Ottawa-Carleton Council on Smoking and Health

The Ottawa-Carleton Council on Smoking and Health (OCCSH) is a coalition of dedicated individuals, community organizations, and local health groups that have been working on tobacco issues since 1978. The OCCSH is one of the oldest councils on smoking and health in Canada.

Our members include the following organizations:

- Academy of Medicine —Ottawa
- Allergy and Environmental Health Association (Ottawa Chapter)
- Canadian Cancer Society, Carleton Unit
- Cancer Care Ontario Eastern Region
- Centre for Addiction and Mental Health
- City of Ottawa, Public Health
- Heart and Stroke Foundation of Ontario
- McDougall Barber Shop
- Regional Heart Beat Committee
- Somerset West Community Health Centre
- The Lung Association—Ottawa-Carleton Region
- The Ottawa School of Homeopathy
- The University of Ottawa Heart Institute

Our goals encompass prevention, cessation, protection, and the denormalization of tobacco use:

- to prevent youth from starting to smoke;
- to encourage smokers to quit;
- to create a social environment where non-smoking is the norm; and
- to assist in establishing smoke-free environments.

All of our goals are furthered by the implementation of smoke-free public places and workplaces legislation.

Smoke-Free Ottawa: Your Way Is Clear To Clear the Air

The Ottawa-Carleton Council on Smoking and Health fully supports the bylaws that would prohibit smoking in all public places and workplaces as passed by the Committee on Health, Recreation, and Social Services on April 6, 2001. We applaud the Committee for amending the proposed bylaw to include taxis and support the proposal to extend the coverage to limousines as well.

A substantial body of research on the impact of smoking bans, experience in many other municipalities, and the extent of public support all lead to only one conclusion—City Council must pass the bylaw with no delays and no exemptions.

Why Legislate Smoke-Free Public Places and Workplaces?

The health case for banning smoking in public places and workplaces is irrefutable. It is based on an enormous body of evidence endorsed by the world's leading scientific authorities.

- Exposure to second-hand smoke is the third leading cause of preventable death in Canada, responsible for the death of over 3000 Canadians every year, primarily from lung cancer and cardiovascular diseases.
- Exposure to second-hand smoke is a major cause of respiratory illnesses and loss of quality of life for adults from such conditions as asthma, pneumonia, bronchitis, and emphysema.¹
- Children exposed to second-hand smoke are at much higher risk of many illnesses, including colds; ear infections; lower respiratory track infections; and chronic illnesses like asthma.²
- Bar and tavern employees have higher rates of lung cancer than almost all other occupations, including fire fighters and miners. Research shows, however, that respiratory health and lung function improves among both non-smoking and smoking bartenders shortly after the implementation of a smoking ban in bars.³
- Smoking bans influence smokers to smoke less and to quit. Internal research conducted by a tobacco company found that smokers faced with workplace smoking bans increase at a rate

Ottawa-Carleton Council on Smoking and Health

- that is 84% higher than average and reduce their tobacco consumption by 11-15%.⁴ Using data from two large-scale national surveys, another study found that workplace bans reduce smoking prevalence by five percentage points and decrease daily consumption among smokers by 10%.⁵
- A significant, but difficult to quantify, impact of bans on smoking in public places is that they help to denormalize tobacco use. The less youth are exposed to smoking among adult role models, the less likely they are to believe that “everyone” smokes—an important factor in reducing smoking uptake among youth.⁶

Do Ottawa Residents Support the Proposed Smoking Ban?

Yes! Public support in Ottawa for smoke-free public places and workplaces is very strong and has grown substantially in recent years. Experience in other communities shows that support for smoking bans *increases* after implementation, among non-smokers and smokers!

- 74% of Ottawa residents polled in the fall of 2000 support a 100% smoke-free bylaw (up from 69% in 1999).⁷
- When asked about the effect of a smoking ban on their patronage of hospitality establishments, a majority of respondents said they would frequent these places more often because of a smoking ban:
 - 60% would frequent restaurants more often vs. 13% less often;
 - 53% would frequent pubs more often vs. 13% less often.⁸
- About 77% of visitors to the “smokefreeottawa” website “voted” in favour of the proposed ban, more than three times the number of opponents. The volume of comments submitted via email in support of the ban (over 1000 positive messages), and the heartfelt emotion behind them, has been overwhelming.
- About 6,000 citizens from all wards submitted postcards to Mayor Chiarelli voicing their strong support for the proposed ban on smoking in public places and workplaces.

Does Business Suffer Economic Harm From Smoking Bans?

No! All research conducted independent of the tobacco industry has concluded that there is no evidence that the hospitality sector suffers economic losses from smoking bans.

- The BC Workers’ Compensation Board conducted a thorough Regulatory Impact Analysis in preparation for the reintroduction of a province-wide ban on smoking in all workplaces. A review of short-term, provincial and regional impacts and long-term impacts of extending the second-hand smoke requirements to the hospitality sector was conducted and reached the following conclusions:

Ottawa-Carleton Council on Smoking and Health

- A statistically significant, short-term, negative impact of 12% occurred in the hospitality sector for the first month, but by the second month the decline in sales was not statistically significant.
- A review of the impact of the smoking ban on the BC Capital Region District (implemented on 1 January 1999), as well as studies on other jurisdictions, gives an indication of the longer-term impacts of smoking bans. The review concludes that “. . . there would be no longer-term effects from instituting the proposed amendment.”
- Numerous studies, by Hyland, Glantz, and others, based on the proportion of restaurant sales to total retail sales in each region, show unequivocally that smoking bans have no negative impact on the proportion of consumer spending in restaurants.⁹
- A national study by the Conference Board of Canada found that “The case study and the validation survey do not support the fear that going smoke-free would be detrimental overall for business. . . . The experience of going smoke-free was a positive one for a majority of restaurants examined in this study.”¹⁰
- Smoking bans bring important corollary benefits to businesses that enhance their bottom line:¹¹
 - reduced employee absenteeism;
 - reduced insurance costs;
 - reduced cleaning and maintenance costs;
 - increased customer turnover.
- Basic logic indicates that bars and restaurants will not lose business from going smoke-free since only 22% of Ottawa’s adult population smokes. *Many* of these potential customers stay home rather than patronize smoky establishments.

Why Not Permit Designated Smoking Rooms?

No ventilation system exists that is capable of reducing exposure to the many toxic chemicals in second-hand smoke to an acceptable level.

- The *Ontario Occupational Health and Safety Act* has identified 15 substances that have no safe level of exposure—6 of these chemicals are found in tobacco smoke.¹²
- The acceptable risk level for lung cancer and heart disease from second-hand smoke exposure is greatly exceeded under conditions of ideal dilution and ideal displacement ventilation.¹³
 - Under conditions of ideal dilution ventilation (type used in most hospitality establishments), second-hand smoke risk levels for lung cancer and heart disease combined are 15,000-25,000 times the “acceptable risk” level for federally regulated hazardous air pollutants in the U.S.
 - Under conditions of ideal displacement ventilation (a promising new but unproven technology), the second-hand smoke risk levels for lung cancer and heart disease combined would still be 1,500-2,500 times the acceptable risk level for federally regulated hazardous air pollutants in the U.S.

- Using current indoor air quality standards, the ventilation rate would have to be increased more than 1000-fold—the equivalent of tornado-like levels of air flow—to reduce the cancer risk from second-hand smoke to an acceptable level.¹⁴
 - The ventilation rate recommended by ASHRAE (the American Society of Heating, Refrigerating, and Ventilating Engineers, the North American authority on ventilation) for offices and restaurants is 10 litres per second per occupant.
 - The ventilation rate needed to achieve an acceptable risk level for second-hand smoke exposure is 50,000 litres per second per occupant.
- Even if children are not permitted in DSRs, the health of the employees who must service those rooms is put in real jeopardy. Non-smoking food service workers are 50% more likely to develop lung cancer than other non-smokers.¹⁵ Employees should not have to sacrifice their health for a pay cheque!
- Designated smoking rooms should not be permitted in seniors residences since many seniors have breathing problems and even the opening and closing of the door to a common room would expose them to second-hand smoke. Smoke-free common rooms would give all seniors equal access to the facilities in their residence.
- Seniors in seniors' homes would still be allowed to smoke in their rooms, so requiring common areas to be smoke-free would not impose any hardship on those who smoke.

Why Not Restrict The Smoking Ban To Places Frequented By Children?

- The prohibition on smoking in public places must apply equally to all establishments to avoid the eventual unravelling of the bylaw. If gaming establishments are granted an exemption or phase-in, then bars will demand equal treatment. If bars are granted any sort of exemption, restaurants will object to the lack of a level playing field. To avoid the “slippery slope” and to maximize the effectiveness of the bylaw, all hospitality establishments must be required to follow the same rules.
- Enforcement is also greatly facilitated if all establishments follow the same rules.
 - The definition of what constitutes a “bar” versus a “pub” versus a “restaurant” does not become an issue.
 - There is no public confusion about the rules.
- The employees of bars, bingo halls, and other establishments in which children are not permitted deserve the same level of health protection in the workplace as office workers.
- Regardless of whether or not they smoke, the health of bar and bingo hall employees is compromised by exposure to second-hand smoke, particularly given the length of exposure and the very high concentrations these employees have to endure.

Shouldn't adults be able to choose whether or not to smoke and whether or not to be exposed to second-hand smoke?

- The bylaw does not deny anyone the right to choose to smoke. However, people do not have the right to harm the health of others by their use of tobacco. This bylaw protects the public and workers from involuntary exposure.
- As a society, we do not force workers in any other industry on any other health issue to choose whether or not to endure serious preventable risks to health and safety in order to earn a pay cheque. Employers have a responsibility under the law to provide a safe workplace. Second-hand smoke has been declared a “Class A” carcinogen—a toxin for which there is no safe level of exposure—and as such is clearly a hazardous workplace pollutant.

Shouldn’t bars and restaurants that are adversely affected be compensated or the bylaw rescinded?

- There is NO evidence that the hospitality sector will be adversely affected!
- Employers have a responsibility under the law to provide safe workplaces. Governments do not compensate workplaces that deal with hazardous substances for the costs they incur to keep their employees safe. Nor do governments compensate workplaces for the costs they incur in complying with basic health and safety requirements, such as the many sanitation regulations imposed on restaurants. The regulation of second-hand smoke should not be treated any differently from the regulation of any other hazardous workplaces substance.

Why not give more time for public education, for ventilation technologies to be improved, for bar owners to educate their customers?

- A delay means no protection for health as long as the delay is in effect. People will continue to get sick and die from unnecessary exposure to second-hand smoke.
- The public has already been educated—that’s why three-quarters of Ottawa residents support the smoke-free bylaw.
- Bars and restaurants have had lots of time to prepare for the smoking ban and yet they have done nothing but continue to oppose its implementation. They have been aware for years that a total smoking ban was inevitable, as this city and many others (as well as other levels of government) have passed increasingly restrictive laws over the past 20 years to protect people from second-hand smoke exposure.

Why not just let the market fill the demand for non-smoking establishments?

- Under no other circumstances does government let businesses that are motivated by profit decide whether or not to offer health protection to their employees and patrons.

- In other important health and safety matters—pollution controls, food preparation—government mandates the behaviour of business, regardless of whether or not compliance affects their bottom line.
- Even if the public could make the choice to frequent only non-smoking establishments, the workers in the smoking establishments and the children who must accompany their parents would not have that choice and their health would still be at serious risk.

What about bingo halls and the charities that may lose funding from loss of bingo revenues?

- It is true that a majority of bingo players smoke. It is equally true that there are many people who enjoy playing bingo but don't go to bingo halls because they are too smoke-filled.
- It is also true that when the smoking section of a bingo hall is filled, bingo players who smoke will sit in the non-smoking section.
- In other jurisdictions where bingos have gone smoke-free, smoke breaks have simply been instituted so that people can go outside.
- People haven't stopped going to movie theatres, taking plane trips cross-country and around the world, or going to amateur or professional hockey or ball games because they can't smoke in these places. They won't stop going to bingos either.
- Bingos may suffer revenue losses, and charities may lose funding as a result. But there are other solutions to the problems of charity revenue losses that *don't require public health to be compromised!* The OCCSH recommends that Council consider waiving bingo licensing fees for one year, as was done in the City of Waterloo.
- The mandate of many of the charities supported by bingo revenues is to improve health and well-being. This bylaw will go a long way to improving the health of virtually all the citizens of Ottawa.

Can smoking bans in public places really be enforced?

- Absolutely! Smoking is not permitted in public places in four U.S. states. In California, for example, there has been no smoking in restaurants since 1995 and in bars since 1998. Over 50 Canadian municipalities have banned smoking in restaurants and more than 38 have prohibited smoking in bars.
- There are a great number of success stories, many more than the few isolated failures. It is unfortunate that the media chooses to focus only on the failures.
- The enforcement plan for the City of Ottawa does not repeat the mistakes others have made:
 - the bylaw proposal has been well-publicized and the public and business sector have been thoroughly consulted;

- implementation begins in the summer;
- ashtrays are not permitted by law;
- a public and business education campaign precedes enactment of the bylaw;
- proprietors are responsible for ensuring compliance in their establishments;
- there is a level playing field among all classes of establishment.

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6. News release from June 27th news conference announcing legal opinion re court challenge of the bylaw

OTTAWA COUNCIL ON SMOKING AND HEALTH PHYSICIANS FOR A SMOKE-FREE CANADA

By-Law Challengers Blowing Smoke

(Ottawa) - June 27, 2001. The Ottawa Council on Smoking and Health and Physicians for a Smoke-Free Canada today released a legal opinion that shows that the City of Ottawa 100% Non-Smoking By-Laws will clearly withstand a court challenge.

"In my opinion, the Ottawa Non-Smoking By-Laws are sound and valid," said David Hill, Q.C., a founding partner of the Ottawa law firm Perley-Robertson, Hill & McDougall. Hill was asked by the two health agencies to explore the angles under which the by-laws could be challenged and to assess the likelihood that a lawsuit would be successful.

After researching the statutes and case law, David Hill concluded that:

- the City of Ottawa has the authority under the *Municipal Act* to enact the by-laws;
- Ottawa's by-laws are not vague, uncertain or ambiguous and therefore are valid and enforceable;
- facilities like restaurants and bars are "public places" in which smoking can be regulated under the *Municipal Act*;
- the *Municipal Act* allows for restaurant owners and other employers to be responsible for enforcement;
- the City of Ottawa would not be liable for claims of economic injuries from bars and restaurants;
- the bylaws are not an infringement of the *Canadian Charter of Rights and Freedoms* nor a violation of the *Ontario Human Rights Code*

This legal opinion was prompted by recent threats of a legal challenge by the Pubs and Bars Coalition of Ontario (PUBCO). PUBCO was established this spring by a small group of bar and restaurant owners to fight the by-law. On May 24th, PUBCO threatened to launch a legal challenge before the middle of June, but as of today, no lawsuit has yet been filed.

"PUBCO has been blowing a lot of hot air from the beginning," said Melodie Tilson, spokesperson for the Ottawa Council on Smoking and Health. "Their claim that the by-laws will cause economic hardship to bars and restaurants is simply not supported by the evidence from many other communities."

Ms. Tilson observed that PUBCO is preying upon the hospitality owners' fear of change to try to incite opposition to the by-law. "It is clear that without a strong case against the city, PUBCO continues to rely on the threat of a court challenge to recruit members and to encourage nervous bar owners to thwart the law." Ms. Tilson noted that by offering to

pay for the legal fees of their members who break the law, PUBCO is providing an incentive for civil disobedience.

"It's time to call PUBCO's bluff," added Dr. Atul Kapur, president of Physicians for a Smoke-Free Canada. "If they have a case, then they should bring it forward. But if their case is built on any of the arguments lawyer David Hill has reviewed and debunked, then they should save their members' money and turn their efforts and energy towards working with the community to create a healthy hospitality industry."

Ottawa's 100% Smoke-Free by-law comes into force on August 1st, 2001. At that time all public places and all work places will become smoke-free. The by-law creates a level playing field for businesses and protects the health of each and every citizen and employee. Public places include bars, restaurants, bingo halls, bowling alleys, common areas of residential condominiums or multiple-dwelling apartment buildings, and others, including those already smoke-free under the Ontario *Tobacco Control Act*. The 100% no-smoking by-law will also apply to all workplaces, including those already smoke-free under previously passed Ottawa, Nepean and Kanata municipal by-laws.

- 30 -

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Appendix B

Selected

Print Media



Phase 2

15 and 16 November 2001. *Ottawa Citizen*. Rebuttals to 10th Jan. negative editorial.

The opinions expressed in the following articles and letters and those of the Ottawa Council on Smoking and Health are not necessarily the views of *The Ottawa Citizen*, the *Ottawa Sun* and the *Orleans Star*.

Smoke-ban editorial ignores workers' right to health

Your Jan. 10 editorial, "Smoking ban is not right," contains a number of misleading statements, such as "employees ... can make rational choices (about exposure to tobacco smoke), balancing health concerns against pay and other working conditions." But a rational choice can only be made with full knowledge of the facts.

Tobacco emissions contain chemicals for which there is no known safe level of exposure — class A carcinogens such as benzene and radon. My employer may require me to handle such chemicals (I am a chemist), but I would also receive protective equipment, additional training, and every other precaution required by law to ensure minimum exposure and maximum awareness of potential health hazards.

By contrast, service industry workers are given no instruction on the hazards they face from tobacco emissions and no protective gear; their exposure is in no way limited, nor are the levels of toxins they absorb monitored.

How many smoke-exposed bartenders and waitresses are aware that they face much higher risks of preventable lung cancer and heart disease than almost any other occupation, including miners?

Dr. Robert Cushman and city council are working to ensure that every employee in Ottawa receives the same protection from deadly chemical exposure that I, a person hired to handle such chemicals, would receive. Even tobacco industry executives have smoke-free workplaces. Total smoking bans have been shown to work in city after city. Ottawa, as the capital of Canada, should lead the way to healthier workplaces for all.

S. D. Lantos, Ottawa

Citizen editorial misinformed readers about second-hand smoke

The *Citizen* is out of touch with reality.

I might have expected to read the Jan. 10 editorial, "Smoking ban is not right," in the *Citizen* 20 or 30 years ago, but certainly not in 2001 when environmental tobacco smoke (ETS, or second-hand smoke) is recognized world-wide as a Class A carcinogen and the most important source of indoor air pollution.

Only tobacco companies and their allies continue to dispute these facts, and confidential industry documents have revealed that it is purely a public relations ploy, aimed at protecting their markets and their profits, to raise doubts about the science proving that ETS exposure causes illness and death in non-smokers.

The *Citizen* would have us believe that a bylaw mandating smoke-free public places and workplaces infringes individual rights. In fact, such a by-law protects the right of all of us — smokers and non-smokers, adults and children, white collar and blue — to breathe clean indoor air.

As for the argument that "employees have a right to decide whether they will work in a smoky environment", I am not sure what utopian economy the writer lives in, but it certainly isn't Ottawa, where unemployment continues to be a problem for many, particularly the young and unskilled. Given their inexperience and youth, these individuals have few real job opportunities, let alone the option of choosing between a smoking and non-smoking workplace.

In fact, a high proportion of young and inexperienced workers end up in the service sector, precisely where employees tend to be given the least protection from ETS exposure. A fair and equitable society should provide equal protection to all its workers, not just those with university degrees who sit behind a desk.

A third specious argument in the editorial is that the market should be left to decide whether public places such as restaurants become smoke-free. What nonsense! Businesses of all kinds must comply

with environmental and health regulations to protect the public, even if it costs them money. I can't imagine the *Citizen* making a serious case to eliminate emission controls because they impose an economic burden on vehicle manufacturers. And yet this is precisely the argument being made with regard to ETS.

Exposure to second-hand smoke is the third leading cause of preventable death in this country — an enormous public health problem. How could the economic self-interest of a few be allowed to jeopardize the health and well-being of the majority?

Exposure to environmental tobacco smoke causes ear infections, asthma, respiratory problems including colds, bronchitis and pneumonia, sudden infant death syndrome (SIDS), heart disease, stroke and lung cancer. For the *Citizen* to argue that this poison does not need strict regulation is misinformation at best. Your readers have a right to know the truth and The *Citizen* has a responsibility to print it.

David H. Hill, Ottawa

23 January 2001, *Ottawa Citizen*. Letter to the editor. "The Bottom Line" Janice Forsythe.

The bottom line

In "Chiarelli backs ban on smoking in public" (Jan. 16), the *Citizen* notes that bar owners in Ottawa feel a ban would drive patrons across the river to Hull. What about all of the non-smokers from across the river who would like a place to come where they don't have to breathe secondhand smoke? That is a completely untapped market.

The article also says that bar owners are afraid of lost business. Studies done independently of the tobacco industry show that the hospitality industry does not lose business as a result of smoking bans. In fact, in one study done in California in October 2000, just 2 1/2 years after all the bars in the state went totally smoke-free, 56.4 per cent of respondents said they are now more likely to visit bars, 31.4 per cent said there is no difference in their visits and only 10.6 per cent said they are less likely.

With 74 per cent of residents supporting 100-per-cent smoke-free public places in Ottawa, simple math shows that the increase in patronage by non-smokers will more than make up for any decrease by smokers.

The real bottom line here is protection of workers and the public. Tell your city council for that it is time to vote to protect the majority by giving everyone in Ottawa the right to breathe clean indoor air when they are out in public.

Janice Forsythe, Ottawa,
Vice-President,
Ottawa-Carlton Council
on Smoking and Health

30 March 2001. *Ottawa Citizen*. Letter to the editor. "I need my job, but the smoke is hurting my health."

Letters

OTTAWA CITIZEN
Online

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Friday, 30 March 2001

I need my job, but the smoke is hurting my health

Jessika Uhl
The Ottawa Citizen

Will Samuel ("Smoking bars are a lose-lose situation") believes that smoking should be allowed in bars since there are no children present. Apparently the rest of us don't breathe.

I have been a server for 10 years. It is a job whose flexibility in hours and high income has allowed me to follow a number of different passions, not to mention the fact that I enjoy it. I have worked in both restaurants and bars. I am currently working in a downtown pub. I am also a non-smoker. That is, I don't willingly smoke cigarettes.

I typically work a 10-hour shift on Friday night. In that time I believe I inhale smoke equivalent to smoking about two packs of cigarettes. I typically see my inhaler three times. My eyes are always so bloodshot from their reaction to the smoke in the air that everyone keeps asking why I look so tired. I have just recovered from one of my biannual bouts with bronchitis. Anytime I see a new doctor for it, he listens to my lungs and tells me I have to quit smoking. This is typical for me, and typical after working a shift not just in a bar, but in a restaurant as well.

When I get home, all I can smell and taste is smoke. My hair and clothes reek of it. My co-workers and I have discussed how our work uniforms now smell of it all the time, no matter how often we wash them.

With regard to smokers' rights, I'm all for them. If you smokers wish to maintain a habit that turns your hands permanently yellow and your teeth brown, coos your lungs with asthma as they use to pave the roads, then cut your own throat for all sorts of health problems, be my guest. It's your body, and you have the right to do anything you want to it. What you don't have is the right to do it to mine.

I am currently a full-time university student working towards my B.Sc. I live on my own and my



Pat McGrath, The Ottawa Citizen / Jessika Uhl has waited tables for 10 years and needs the part-time income now to finance her university studies. She writes that she and other employees face many ill effects from the smoke that permeates the bars and restaurants she has worked in, including serious health impacts like bronchitis, bloodshot eyes and hair and clothes that regularly reek of smoke. She says smokers can exercise their rights all they want, as long as they don't damage her life and health while doing so.

Appendix B

B-3

6 April 2001. *Ottawa Sun*. (Article re OCSH news conference). "Butting out opposition."

Butting out opposition

Bylaws make for 'good business': Official

By A.J. BLAUER
Ottawa Sun

SMOKING bylaws don't burn business. That's what a panel of experts was saying on the eve of today's showdown over a proposed smoke-free bylaw.

"It makes good business. It is good business," said Brian Hatton, director of environmental health for the Waterloo Region Community Health Department.

Hatton, whose own municipality passed a similar smoking bylaw 15 months ago, joined the Ottawa-Carleton Council on Smoking and Health (OCCSH) yesterday to support banning smoking in local bars, restaurants, bingo halls and other public venues.

"Waterloo is a success story and Ottawa will be a success story," Hatton said.

But not everyone here shares his enthusiasm.

Public forum

By late afternoon yesterday, more than 100 people had registered to speak at today's meeting of the Health, Recreation and Social Services Committee, which gets under way in city council chambers at 9:30 a.m. With everyone getting five minutes to speak, the public forum is expected to last nearly 12 hours before councillors even debate the matter.

"The committee's intention is to deal with the item (today)," said co-ordinator Monique Beauregard. "It'll take the time it takes."

The OCCSH clearly timed yesterday's press conference to



Do you support the city's proposed 100% ban on smoking in public places? Cast your vote at fyiottawa.com. So far, 57.1% of visitors to www.fyiottawa.com say yes, and 42.9% say no.

build up momentum before the forum and counter claims by the lobby of bars and restaurants who oppose the bylaw.

"We believe the public and city councillors need to hear the facts, facts based on scientific research and experience in other communities," said Janice Forsythe.

James Repace, health physicist and second-hand smoke consultant from Maryland, calculated that 194 Ottawa residents die each year from cancer caused by second-hand smoke.

"Any workplace that has second-hand smoke in it is neither safe nor healthy," he said.

As for improving ventilation, Repace said it would take "tornado like levels" to rid an establishment of harmful air toxins.

Dr. Rick Hodder, chief of critical care at the Ottawa Hospital, said bar workers exposed to

high levels of second-hand smoke face higher mortality rates.

"It's not hyperbole to say that people do die of second-hand smoke," he said.

Francis Thompson, a local policy analyst with the Non-Smokers' Rights Association, said arguments against smoking bans can be traced back to the PR firms of big tobacco.

Hatton, who earned the nickname "Patton" for not bending on his municipality's tough smoking ban, said total compliance from Ottawa bar and restaurant owners is needed to make a smoke-free bylaw stick.

Advantages

In return, owners can expect faster table turnover, lower cleaning and repair costs and happier staff, Hatton said.

"There is absolutely no economic impact with regards to the bylaw," he said.

Hatton, who didn't have any financial figures to back up his claim yesterday, said none of the 20 businesses which closed in Kitchener last year have demonstrated they were brought down by the smoking ban.

"Until they can prove it, it's not a fact," he said.

aj.blauer@ott.sunpub.com

6 April 2001. *Ottawa Sun*. Letter to the editor.

■ A letter published April 4, I. Antinarella raises the issue of smokers crossing the river to go to establishments in Hull once Ottawa goes 100% smoke-free. Why is it that no one ever thinks about all of the non-smokers in Hull who will cross the river to enjoy a meal and an evening out in a smoke-free atmosphere?

The *Ottawa Sun* itself reported on April 3 that "a recent survey in the Outaouais shows a majority of residents there would also adopt Ottawa's proposed tough no-smoking bylaw, given the chance."

The only industry that stands to lose with a smoke-free by-law is the tobacco industry. Studies show that once a city goes smoke-free more people quit entirely or at least cut down the number of cigarettes they smoke. Gee, do you think that might be worrying the tobacco industry? However, it would be too obvious what the tobacco manufacturers' motivations are if they were to directly speak out against smoke-free public places and workplaces.

So, as they have done in other jurisdictions, they are using bingo halls, bars, etc., to get their message out. After all, if the bylaw doesn't pass, or is even watered down, tobacco manufacturers can keep Ottawa's residents addicted to their deadly products.

I am confident that city councillors are studying this issue very carefully, listening to all of the independently researched scientific evidence and will make the right decision for the health of all of Ottawa's residents — smokers and non-smokers alike. Stay the course, councillors. One-hundred percent smoke-free with no delays and no concessions is the right way to go.

Janice Forsythe
Ottawa

(No ifs, ands or butts, you mean?)

10 April 2001. *Orleans Star*. Letter to the editor.
"Smoking ban is the right thing to do."

LETTERS TO THE EDITOR

Smoking ban is the right thing to do

To the editor:

The proposed bylaw to ban smoking in all public places and workplaces represents the single most important — and most cost effective — measure city council can take to improve the health of Ottawa citizens.

It is an undisputed fact that such bylaws prevent illness, improve quality of life, and prevent death.

An estimated 200 Ottawans die every year from breathing other people's tobacco smoke. Thousands more children and adults visit their doctor or the emergency room or are hospitalized as a result of exposure to the toxins in second-hand smoke.

Second-hand smoke causes health problems ranging from ear infections, bronchitis, and asthma, to emphysema, lung cancer, and heart disease.

The bylaw was approved by the city's health committee on April 6. It must earn the vote of a majority of city councillors on April 25 to become law. The three Orleans area councillors will play an important role in that decision.

Orléans Coun. Herb Kreling has stated that he is undecided and will follow the will of his constituents.

He is being aggressively lobbied by a couple of bar owners in the Orléans area who fear loss of business. He needs to be lobbied just as vocally by the majority who support the bylaw.

Cumberland Coun. Phil McNeely deserves praise for sitting through much of the debate during the health committee meeting, although he is not a committee member. He listened to the evidence and now fully supports a complete smoking ban in all public places and workplaces, including bars.

Innes Coun. Rainer Bloess claims to support

the goal of a smoke-free society. His actions tell another story.

In the face of overwhelming evidence of the health benefits and compelling research evidence and experience that the hospitality sector does not suffer economic harm from smoking bans, Bloess voted against the bylaw!

Bloess argued that society is not ready for a smoking ban in bars. But Ottawa area municipalities have implemented successively more restrictive smoking bylaws for more than two decades. Furthermore, more than 38 Canadian municipalities have already passed laws requiring bars to be smoke-free, as have four entire U.S. states!

Ottawa is ready for a smoke-free city — three-quarters of Ottawa residents polled indicated they support the smoking ban.

Now it's your turn. Call your councillor and voice your support. Your health and that of your children are depending on it!

Melodie Tilson
member, Ottawa-Carleton Council
on Smoking and Health

24 April 2001. *Ottawa Citizen*. Letter to the editor. "Businesses have had ample time to become smoke-free."

Businesses have had ample time to become smoke-free

In his April 17 letter, David McCrossan ("Phase in the law") urges Ottawa councillors to delay the smoke-free bylaw by implementing it in "a reasonable time frame," because of the "swiftness at which this is all taking place."

Given that the Ottawa-Carleton Council on Smoking and Health (OCCSH) has been working to make Ottawa's public places smoke-free since 1978, we believe that restaurants, bars, bingo, billiard halls, and so on have had more than enough time to get ready for the inevitable.

Through education and social change, public opinion has been steadily moving toward 100-per-cent smoke-free public places. Over the years, bylaws have gradually been strength-

ened, but this is not enough to protect workers and the public from the significant hazards of the chemicals in secondhand smoke.

Mr. McCrossan also states that businesses, especially bars, will suffer as a result of Ottawa's proposed smoke-free bylaw. (As an aside, I would have to ask what value he places on human health and life if this is his main concern.) Thankfully, this is simply not true. Studies of sales receipts from other jurisdictions where smoke-free bylaws have been implemented show either no change or an actual increase in revenues in the hospitality sector.

There will no doubt be a handful of businesses that suffer — most likely the ones that are already in trouble — but by

and large, promoting a healthier society can only serve to also create a healthier economy in our new city.

Carolyn E. Hill, Ottawa,
President,
Ottawa-Carleton Council on
Smoking and Health

Phase 3

20 July 2001. *Ottawa Citizen*. Letter to the editor. "Provincial laws clearly allow smoking bans."

Provincial laws clearly allow smoking bans

Re: Lawyer takes on smoking bylaw, July 6.

It is unfortunate that the *Citizen* did not cover the news conference where we released a legal opinion on PUBCO's planned challenge of Ottawa's no-smoking bylaw. If you had, Ron Corbett wouldn't have just had to reprint lawyer Arthur Cogan's letter unquestioningly. If Mr. Corbett had spent any time investigating Mr. Cogan's claims, he would have found they are not based in reality.

The letter says that the Tobacco Control Act is "superior legislation to the bylaws passed by a particular municipality." The Tobacco Control Act, though, says "If there is conflict between this Act and a municipal by-law that deals with smoking, the provision that is more restrictive of smoking prevails."

The PUBCO letter also says the city "surpassed its legislative authority" under the

Municipal Act by prohibiting smoking. However, the Municipal Act clearly states, "The council of a local municipality may pass a by-law designating public places or workplaces as places in which smoking tobacco or holding lighted tobacco is prohibited". And the Municipal Act goes further: "In the event of a conflict between a by-law and a provision of any Act or regulation, the provision that is the most restrictive of smoking prevails."

In view of the clear legal authority behind the bylaw, I question why PUBCO is publicly promoting its challenge, yet will not actually bring it before the courts. Is it to create confusion among the public in advance of Aug. 1? Or is it trying to foster a culture of lawlessness?

Dr. Atul Kapur, Ottawa,
President, Physicians for a
Smoke-Free Canada

Corbett: Nasty rift never discussed

Continued from page B1

Among the crowd at the Manx yesterday were some noted Citizen letter writers, including Ms. Hill and Dr. Atul Kapur, the president of Physicians for a Smoke-Free Canada.

Dr. Kapur, I was soon to learn, has an amazing gift for being right about most things — smoking, health, my last five columns on the smoking bylaw (I had no idea I was that far off base.)

The man is amazing, almost omniscient, and proved this to me when he explained that just because a scientific study on second-hand smoke may find no effect, that doesn't mean there is no effect.

Or, as he put it: "There is a difference between not finding any effect and there being no effect."

And the difference would be ... hold it, I'll get it.

Anyway, I never quite understood the argument, although I'm sure Dr. Kapur is right on this matter, as he is on everything else.

Many in the group of pub crawlers were parents, and more than one told me they supported the bylaw because of their children.

One woman went so far as to tell me her four-year-old son "does not even know what a cigarette is" and maybe with



JULIE OLIVER, THE OTTAWA CITIZEN

Anti-smoking activists raised a glass at the Manx Pub downtown for a pub crawl to celebrate Day One of the smoking bylaw. They are, from left, Melodie Tilson, a volunteer with the Ottawa Council on Smoking and Health, student Allison Simpson, children's writer Elaine Medlin, public health nurse Pat Wilson, council president Carolyn Hill, student Joanna Nicol and council secretary Debbie McCulloch.

this bylaw, "he never will."

The woman was beaming when she told me this, and although as a parent myself I would have been worried by little Johnny's frightening naivete, I kept quiet.

Anyway, an interesting enough group of people. Not a bad pub crawl when it got start-

ed, although things might have been more interesting if they had gone to the Duke of Somerset around the corner, where the bylaw was not being enforced and those white T-shirts would have been noticed quickly.

Mind you, the nasty rift this bylaw has created in the city

was never discussed during the pub crawl. It is enough, apparently, to be right.

Ron Corbett can be reached at 596-8813 or by e-mail at rcorbett@thecitizen.southam.ca. Read previous columns by Ron Corbett at www.ottawacitizen.com.

2 August 2001. *Ottawa Citizen*. Letter to the editor. "Urging businesses to comply with the bylaw."

Owners should jump at chance for new business

What is the matter with these bar and pub owners organized as PUBCO? Why are they taking such a negative stand when given the opportunity to acquire new patrons?

Just think of the many people who would not step into these smokey pubs and restaurants, but who now will. I think if these owners turned their efforts to the positive and welcomed non-smokers with open arms and friendly attitudes, they might be surprised.

As for the regulars, I do sympathize, but I would bet that a larger percentage, if they had their choice of being a smoker or a non-smoker, would definitely choose non-smoker.

Let's go, PUBCO people, use your entrepreneurial skills that made you successful to take advantage of a great opportunity. Put to positive use all that money you're spending to fight the smoking bylaw and you will win. You know it's right.

George Hathaway,
Ottawa

4 August 2001. *Ottawa Citizen*. Article. "Local artist to create sculpture in celebration of smoke-free bylaw."

Artist to turn surplus ashtrays into art

BY JEAN-FRANÇOIS BERTRAND

What do you do with all of Ottawa's bar and restaurant ashtrays?

You give them to an artist and ask him to turn them into a sculpture.

That's the idea of the Ottawa Council on Smoking and Health, which wanted to celebrate the city's anti-smoking bylaw.

"For the most part, the bar and restaurant ashtrays are not recyclable, because they're made of a special tempered glass," said council president Carolyn Hill.

It commissioned area artist Ron Naganosh to create the sculpture. He specializes in assembling works of art from discarded trash, such as beer caps and auto parts. Ironically, Mr. Naganosh is a smoker. But he considers himself an artist first.

When told that he could receive a very big pile of ashtrays to do his work, he said: "I can always return those I don't need to the city. Or sell them to Hull!"

The ashtrays will be collected until Sept. 30, at the fire stations of the city and at the six locations of the YMCA-YWCA.



Area artist Ron Naganosh has been commissioned to create a sculpture out of used ashtrays, donated by bar and restaurant owners.

7 August 2001. *Ottawa Citizen*. Article.
“PUBCO won’t name member bars.”

PUBCO won’t name member bars: leader

Bars challenging anti-smoking
bylaw fear being targeted by patrol

BY JAKE RUPERT

The head of the group challenging Ottawa’s anti-smoking bylaw in court is refusing to identify its member bars and pubs because, he says, they would become “targets” of city bylaw officers.

But the lawyer advising the city on the tough bylaws, which ban smoking in all public places, says PUBCO’s reason for secrecy just doesn’t cut it.

Several people have been calling for the Pub and Bar Coalition of Ontario to go public with its membership. Some residents, in letters to the *Citizen*, have said they want to know which bars and restaurants support the court challenge so that they can take their business elsewhere.

“Identifying individual members of our group would make them targets for the city,” said Barry F. McKay, general manager of PUBCO. “They’ve been running a scare campaign all along, and it would be just another way they would try to crush opposition.” Mr. McKay said he represents 157 establishments.

Michael Rankin, the lawyer advising the city, disagrees with the PUBCO view.

“The bylaw officers will enforce the law evenly,” Mr. Rankin said.

“They will not be ‘targeting’ anybody. We don’t know the extent of (PUBCO’s) membership, but we do know that many pub owners support the bylaw fully and are complying.”

On court documents filed by the group, only the acronym PUBCO appears. On the

group’s Web site, some membership information appears:

The president of the group is Jill Scott of the Chateau Lafayette, the vice-president is Doug Pettit of the Nu Den, and the secretary treasurer is Janet Langley of Friday’s Roast Beef House. Directors are listed as Alfie Friedman of Excellent Eateries (which owns several bars and restaurants, including the two Mayflower restaurant-pubs and Bravo Bravo), Ed Mitchell of the Duke of Somerset, Ed Champagne of Pazzles, and Tony Saikaly of Crimson and Clover.

For a group receiving so much publicity to go unnamed, except under the umbrella of the coalition, is quite unfair in the interests of an informed public.

Bette Scott, one of several people calling for PUBCO bars to be named.

“I am sure that I am not the only resident of Ottawa who does not want to patronize a local restaurant that wishes to threaten the health of its staff and customers through air that is made toxic by tobacco smoke,” wrote Kanata’s Bette Scott, in calling for full disclosure by PUBCO.

“For a group receiving so much publicity to go unnamed, except under the umbrella of the coalition, is quite unfair in the interests of an informed public.”

11 August 2001. *Ottawa Citizen*. Letter to the editor from Janice Forsythe in response to Ron Corbett’s column re pub crawl.

Found no rift

Re: *The hospitality industry can now relax*, Aug. 2.

I was disappointed after going on the Ottawa Council on Smoking and Health’s pub crawl to read Ron Corbett’s column. We were in the same places most of the time, but our impressions were certainly very different.

Yes, we were only about 40-50 in total over the course of the evening from our council and its partner organizations, but we ran into others who were doing their own unofficial pub crawls, glad that bars would finally be smoke-free.

We spoke to both servers and patrons who are smokers and the vast majority were quite supportive of the bylaw.

Mr. Corbett refers to a “nasty rift this bylaw has created,” but we didn’t find that at all. In fact, lots of people who saw our “Enjoy Smoke-Free Ottawa” T-shirts gave us the thumbs up as we walked by. Some people even asked if they could have a T-shirt, too.

There is bound to be a small minority who rebel against the bylaw, but they are the fringe element, being fuelled by the media. As we have grown to accept smoke-free movies, stores and airplanes, everyone will eventually grow to accept that smoking is simply too dangerous to the health of others to be done in any public place. It is just going to take more time.

Janice Forsythe, Ottawa

16 November 2001. *Ottawa Citizen*. Article. "Smoking ban is not bad for business: health council."

Smoking ban is not bad for business: health council

BY BEV WAKE

Studies suggesting Ottawa's smoking ban is bad for business are misleading and premature, the Ottawa Council on Smoking and Health says.

The council, which lobbied long and hard for the city of Ottawa to adopt a smoking bylaw, says all existing studies suggest that while there may be a temporary setback after a smoking ban is implemented business will be back to normal within a year.

Council president Carolyn Hill says members had hoped the smoking debate would end with the adoption of the bylaw Aug. 1, but in some ways it has heated up.

Earlier this month, the Pub and Bar Coalition of Ontario (PUBCO), which is fighting Ottawa's bylaw, released a survey of one-third of its members suggesting business had dropped 22 per cent in September compared with the same month last year. In a rally at City

Hall later that week, which attracted about 80 protesters, PUBCO called council's lack of response to the economic fallout "hard-hearted and incomprehensible."

At least five city councillors have said they would be willing to revisit the bylaw.

Ms. Hill and council members Tim Woods and Melodie Tilson dismissed the survey results.

"They call it an economic analysis but it's a survey of one-third of members with no economic evidence," she said. "We have peer-reviewed studies that show there are no negative effects in the medium to long-term, within a year."

An assessment on the economic impact of smoke-free workplaces prepared for Nova Scotia in September, for example, found that "without exception, every objective study using official sales tax data demonstrates that smoke-free legislation has no adverse impact on restaurant, bar, hotel and tourism receipts."

POINT OF VIEW • SMOKING BYLAW

The smoking ban is good for business, and for public health



NEIL COLLISHAW

Ottawa's new bylaw banning smoking in public places and workplaces, including bars and restaurants, has been in place for four months, and the experience has been positive.

Customers and wait staff all over town are happier. They are breathing easier, their clothes smell better at the end of a visit to the pub or a shift behind the bar, their eyes no longer sting, and best of all,

their risks of having a heart attack or getting cancer or other diseases from second-hand smoke have all decreased markedly.

The city has been rigorous and fair in its enforcement of the bylaw, and most bar and restaurant owners happily comply with the bylaw. Most have discovered that the bylaw is good for business.

Most, but not all. Our bar- and seven two bar owners, the members of PUBCO, actively oppose the bylaw (Ob- jective study will show bar's damage, and a fair solution, Dec. 3).

But PUBCO represents less than 10 per cent of the nearly 2,000 bars, restaurants and amusement centres in Ottawa. Is it possible that in their continuing opposition to the bylaw that is driving their customers

away? Is it possible that most people are choosing to patronize non-PUBCO establishments that welcome customers but not tobacco smoke? Is it possible that that failure by PUBCO members to adapt to the new bylaw represents a real estate determination to lose business?

PUBCO has surveyed 54 of its members and found that business was down 22 per cent among these 54 establishments. So it has documented that less than three per cent of the bars, restaurants and amusement centres are losing business. And these three per cent are a highly selected group — drawn from PUBCO members, known to oppose the bylaw.

So business is down in 54 unrepresentative establishments whose owners wish they could continue to pollute their bars

with tobacco smoke. Why should Ottawans be surprised or sympathetic?

Here's hoping that Ottawa bar and restaurant patrons continue to vote with their feet. They should shut PUBCO bars and eat and drink in places that support sound public-health measures.

PUBCO points to a few bars and restaurants that have closed since the bylaw came into place. It fails to mention that dozens of bars and restaurants have opened in the last four months.

The bar and restaurant scene is lively and competitive. Businesses that adapt well to the changing scene, including the new bylaw, will do well. Others that do not adapt well, or worse, resolutely refuse to adapt (like some PUBCO members), will fail by the wayside.

PUBCO claims that ventilation can solve the problem. It cannot. There is no ventilation system, old or new, that will eliminate tobacco smoke from the air. The Association of Heating, Refrigeration and Air-Conditioning Engineers, the ventilation standard-setting body, no longer sets ventilation standards for locations where smoking is allowed.

Tobacco smoke contains 69 cancer-causing chemicals. For the sake of health and safety, there should be no exposure to tobacco smoke. The association knows, and everybody else knows, that you cannot eliminate tobacco smoke by ventilation.

Everybody knows, it seems, except PUBCO.

What can we expect for the bar and restaurant trade in the longer term? The experience in

California, where smoking has been banned for years, suggests that the news will not only be good for public health, but good for business too. California banned smoking in restaurants in 1995, and business went up.

Three years later, it banned smoking in bars, and business went up again.

There is money to be made in running smoke-free bars and restaurants. Too bad PUBCO members seem not to want to compete for it.

But Ottawa residents need not worry. We can be sure that for every PUBCO bar that closes, there will soon be a new, clean smoke-free bar opening to replace it.

Neil Collishaw is the research director of Physicians for a Smoke-Free Canada.

7 December 2001. *Ottawa Sun*. Article. "PUBCO reports biz 'upheaval' but bylaw hasn't hurt. Study."

PUBCO reports biz 'upheaval'

But bylaw hasn't hurt: Study

By **HOLLY LAKE**
Ottawa Sun

The smoking issue has been butted out.

That's what councillors are saying about the smoking bylaw despite a presentation made yesterday by The Pub and Bar Coalition of Ontario.

PUBCO general manager Barry McKay spoke to members of the city's health, recreation and social services committee to voice concerns about the "massive upheaval" small businesses have experienced since the bylaw took effect on Aug. 1.

Business was down 22% in September from last year, McKay said, something that can't be blamed on the recession.

"Losses of this magnitude are just not sustainable. We are telling the truth when we say businesses are being forced into bankruptcy."

Much stronger

But earlier this week, the first quarterly report from a year-long, city-commissioned KPMG study was released and stated the hospitality industry is not hurting as a result of the smoking ban. Data collected since the ban was implemented shows the industry is stronger than it has been in the past two years, with lower bankruptcy and insolvency rates. It was acknowledged, though, that some

long-term effects might not yet be apparent.

Coun. Alex Munter said it's a done deal.

"The mayor and council are standing by our decision not to pass a bylaw filled with loopholes and exemptions that help some at the expense of others," he said.

McKay said he's also upset technical solutions continue to be rejected by council. Technology can provide clean air to any establishment at a level that is at least comparable to air found in non-smoking establishments.

Not buying it

Melodie Tilson of the Ottawa Council on Smoking and Health disagrees.

"If ventilation would solve the problem, then those of us who are only in this for health issues ... would be happy to support it," she said. "But there is no ventilation technology that can protect the public from the 4,000 chemicals in second-hand smoke."

Not all business owners are upset. David Smith, owner of Nate's and The Place Next Door, said it's the best thing to happen to his deli and business has increased.

"When you walk into a deli, you want to get those great smells and not all the smoke. Now we're getting (them)."

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**Smoking
Ban**

