

Smoke-Free Ontario Act

Tobacco Vendor Due Diligence

It is illegal to sell or supply a tobacco product to anyone under the age of 19. Storeowners are responsible for tobacco sales made by any employees.

If a clerk sells tobacco to someone under 19, the owner, or the business, can be charged. If a premise is convicted of two or more sales-to-minors offences in a five-year period, the store could lose the right to sell tobacco products for up to one year. Under the law, owners of these establishments must practice due diligence with respect to preventing tobacco sales to minors.

What is Due Diligence?

Practicing due diligence means making reasonable efforts to prevent sales-to-minors offences. This includes, but is not limited to, creating and maintaining a thorough training program to prevent tobacco sales to minors. All staff who sell tobacco should be thoroughly trained on:

- What the Smoke-Free Ontario Act says about tobacco retailers
- What types of identification are acceptable to show during a tobacco purchase
- How to read those types of identification and how to do the math required to calculate the purchaser's age
- What fake identification may look like
- When and how to refuse tobacco sales
- The consequences of selling tobacco products to persons under 19

Always confirm that employees UNDERSTAND their responsibilities around tobacco sales.

How does a tobacco retailer exercise Due Diligence?

- ❖ Tobacco retailers should have a thorough training program in place to prevent tobacco sales to minors.
- ❖ Any employee who may be in a position to sell a tobacco product at any time should be included in this training.
- ❖ The program should be ongoing, as opposed to a one-time meeting or session.
- ❖ The program should be well documented in order to prove efforts that have been made to ensure tobacco products are not sold to minors.

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What are examples of Due Diligence?

The following are examples of components that make up a diligent training program:

- ❖ Establish a written policy about selling tobacco products clearly listing the responsibilities of all employees
- ❖ Train new employees thoroughly when they are first hired about how the Smoke-Free Ontario Act affects their job and ensure they know the consequences of selling to someone under 19 years of age
- ❖ Review your tobacco sales policy with all staff on a regular basis and have them sign an acknowledgement form documenting the reviews
- ❖ Ensure that the requirements under the Smoke-Free Ontario Act are listed under employees' job descriptions and clearly outline what they must do during tobacco sales
- ❖ Implement an internal discipline system for employees who do not follow the store's tobacco sales policy
- ❖ Post notices, memos or posters in the workplace regarding tobacco sales and the Smoke-Free Ontario Act
- ❖ Personally deliver notices, memos or reminders about the tobacco sales policy to all employees
- ❖ Place tobacco sales policy reminders in employee's pay cheque envelopes on a regular basis
- ❖ Dedicate a page on your company intranet to the Smoke-Free Ontario Act and ensure staff review it and send reminders to staff via internal emails
- ❖ Conduct staff meetings regularly, including a detailed review of the company's tobacco policy
- ❖ Role play tobacco sales scenarios at staff meetings
- ❖ Give employees tests and quizzes about tobacco sales and the law
- ❖ Ensure employees review information about the store's tobacco sales policy regularly, for example, before every shift or once per week
- ❖ Conduct internal mystery shopping/compliance audits to ensure employees are following the policy
- ❖ Ensure reference and resource materials about the Smoke-Free Ontario Act are always on hand, in a convenient, easy-to-locate place for employees to refer to
- ❖ Provide employees with calendars demonstrating the correct dates for age cut-offs
- ❖ Invite a Tobacco Enforcement Officer to speak to your staff about the law during a meeting or training session
- ❖ Have your staff attend the Middlesex-London Health Unit's free Vendor Workshops, held twice a year

Most importantly, ensure ALL training regarding tobacco sales is documented clearly and kept for future reference. Clearly track how much time is spent training which employees on which topics.

If you have any questions about the Smoke-Free Ontario Act, contact the Middlesex-London Health Unit at 519-663-5317 x2673 to speak with a Tobacco Enforcement Officer.

