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Toolkit for Responsible Tobacco Retailers

Manitoba



Canada

The Toolkit for Responsible Tobacco Retailers was produced in collaboration with



Health Canada is the federal department responsible for helping the people of Canada maintain and improve their health. We assess the safety of drugs and many consumer products, help improve the safety of food, and provide information to Canadians to help them make healthy decisions. We provide health services to First Nations people and to Inuit communities. We work with the provinces to ensure our health care system serves the needs of Canadians.

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For further information or to obtain additional copies, please contact:

Health Canada
Tobacco Control Program
(204) 983-5490

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Dear Retailer

Tobacco use is a leading cause of preventable illness and premature death in Canada – it is a major contributing factor to a number of chronic diseases and deaths.

As responsible citizens, we need to be concerned with the well-being of the youth in our neighbourhoods, in our community, in our society. It is up to each of us to help keep harmful substances out of the hands of minors.

As a tobacco retail operator, you have a unique opportunity to protect those under the age of 18 from the serious consequences of tobacco use. You understand that there are laws against selling tobacco and tobacco-related products to minors and by familiarizing yourself and your staff with the rules and regulations of tobacco control, you will be equipped with an answer for most situations.

The sale of tobacco and tobacco-related products is regulated both by provincial legislation, *The Non-Smokers Health Protection Act* and by the *Federal Tobacco Act*. **Education is key** - the regulators of tobacco sales are committed to ensuring that retailers in this province are equipped with the information that they need. Within this toolkit, you will find information about your responsibility as a seller of a controlled substance, about how to protect youth, and, of course, about how to protect yourself.

With this information, you should:

1. Develop policies surrounding the sale of tobacco in your store and the procedures necessary to ensure you and your employees stay within the law;
2. Train all staff members immediately upon hiring them. Whether they are new to retail outlets or not, training them yourself will give you peace of mind knowing that they are well versed about the sale of tobacco and tobacco-related products.
3. Monitor your employees as an on-going routine in your store to be certain they are following the law as well as your policies and procedures.

This toolkit provides you with a detailed overview of the laws that protect those under 18 from access to tobacco and tobacco-related products. You are legally bound to see that everyone who works in your establishment fully complies.

For further information or for answers to your questions, please feel free to contact: (204) 983-5490



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section

I

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BEING INFORMED

About the Responsibility You Have Accepted

Overview

As an owner/operator of a retail establishment that sells tobacco and tobacco-related products, one of your responsibilities is to stay current with changes to the legislation surrounding this subject in your province.

The following information provides you with some facts you will need to consider as you begin to create your own company policies and procedures. These policies and procedures will protect the youth in your community from access to tobacco products, and at the same time will guide you and your employees through the correct ways to sell tobacco and its related products.

Retail Sales Highlights

There are many products on the market these days and, as a retailer, you must understand exactly what are considered tobacco and tobacco-related products. Further, you need to know which actions you or an employee might take that could have you, as owner/operator, held responsible for the sale of tobacco and tobacco-related products to those under the age of 18.

Legal ID

Not all identification is acceptable for use in the purchase of tobacco and tobacco-related products. Having the proper information and keeping your employees informed is the best way to ensure that you are abiding by the laws.

Retailer Penalties in Manitoba

In addition, you need to understand the severity of the penalties handed down for infractions.

Questions Asked by Retailers

Also included is a list of questions most frequently asked by retailers and the correct answers.

With a full understanding of this information, you will know how rigorous you must be in your management of the sale of tobacco and tobacco-related products.



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Retail Sales Highlights of Federal and Provincial Tobacco Legislation in Manitoba

Definitions of Tobacco and Tobacco-Related Products

Federal Definition

"Tobacco Product" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves. It includes cigarette papers, tubes and filters but does not include any food, drug or device that contains nicotine to which the *Food and Drugs Act* applies.

Some tobacco products are cigarettes, snuff, loose tobacco, cigars, cigarillos, bidis, kreteks, chewing tobacco, and pipe tobacco.

Provincial Definitions

"Tobacco" means tobacco in any form in which it is used or consumed, and includes snuff and raw leaf tobacco, but does not include any food, drug or device that contains nicotine to which the *Food and Drugs Act* (Canada) applies.

"Tobacco-related product" means a cigarette paper, a cigarette tube, a cigarette filter, a cigarette maker, a pipe or any other product used in association with tobacco that is prescribed.



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Retail Sales Highlights of Federal and Provincial Tobacco Legislation in Manitoba (*continued*)

Providing tobacco to a person under the age of 18 is illegal.

No one shall give, sell, or provide, in any way, tobacco and/or tobacco-related products to anyone under 18 years of age.

Thinking someone looks older than they actually are - is not a legitimate excuse to sell them tobacco or tobacco-related products.

Retailers must post signs wherever tobacco products are sold or displayed.

The form and content of these signs is specified by Federal legislation.

Signs directed under Federal legislation are mandatory.

Signs must be placed where customers can see them and they must not be hidden from view. If further information about signs is required, please contact your local tobacco enforcement officer.

Vending machines selling tobacco products are illegal in most public places.

Vending machines that sell tobacco products are banned except in bars, taverns or beverage rooms and places where the public does not have access. For further information please contact Health Canada.

The sale of tobacco products is prohibited in certain locations in Manitoba.

For a complete list of prohibited locations, please contact your provincial office.

The sale of tobacco products over the telephone or the Internet is illegal in Manitoba.

All sales transactions must be done in person. It is illegal to sell these products over the telephone or the Internet.

It is illegal to sell single cigarettes and single little cigars.

Yes! It is against the law to sell single cigarettes and little cigars. Cigarettes and little cigars may only be sold in packages of 20 or greater.

Self-service tobacco displays are illegal.

Under no circumstances can customers help themselves to tobacco products before they pay for them.

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Retail Sales Highlights of Federal and Provincial Tobacco Legislation in Manitoba (*continued*)

Tobacco and tobacco-related products must be covered in Manitoba.

It is illegal for a retailer to display tobacco or tobacco related products that are visible to the public if people under the age of 18 are permitted access.

It is illegal for a retailer to display tobacco or tobacco-related products if they are visible to the public from the outside of the premises.

Retailers must ensure that their staff completely covers the tobacco and tobacco-related products immediately after each sale. Leaving the products displayed, even partially, is not permitted.

It is illegal to advertise or promote tobacco or tobacco-related products on an indoor or outdoor sign.

Outdoor signs advertising tobacco and tobacco-related products are not permitted.

Some indoor signs indicating price and availability may be allowed. For more information please contact:

Healthy Living, Youth and Seniors

1010-200 Graham Ave.

Winnipeg, Manitoba R3C4L5

204-945-0670 or 204-945-5650

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Legal Identification (ID)

It is imperative that you and your employees ask to see valid identification if the person who is requesting to purchase tobacco or products associated with tobacco looks under 18 years of age.

Remember, thinking someone looks older than they are is not a legitimate excuse to sell them tobacco or tobacco related products. Always check for a valid identification.

Federal and Provincial tobacco legislation states that only the following pieces of identification or documentation are acceptable to prove a person's age:

- Driver's Licence
- A Canadian passport
- Government-issued certification of Canadian citizenship
- Canadian permanent resident document
- Canadian Armed Forces (Canadian Forces) identification card
- Certificate of Indian Status card
- Other documentation from a Federal or Provincial authority or a foreign government. An example may be a government-issued voluntary ID card.

In all circumstances, the documentation must include the person's photograph and their date of birth, and signature.

STUDENT CARDS ARE NOT ACCEPTABLE AS PROOF OF AGE FOR TOBACCO PURCHASES



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Retailer Penalties in Manitoba

According to section 7(1) of *The Non-Smokers Health Protection Act*, any retailer who sells or gives tobacco products to anyone under 18 years of age is guilty of an offence and is subject to the following penalties:

Number of offences	Fine amount
1 st offence	Up to \$3,000
2 nd offence	Up to \$5,000
3 rd offence	Up to \$15,000

These are violations within Section 7.2 (Display of Tobacco) of *The Non-Smokers Health Protection Act*.

Number of offences	Fine amount
1 st offence	Up to \$3,000
2 nd offence	Up to \$5,000
3 rd offence	Up to \$15,000

These are violations within Section 7.3(1) (Advertising) of *The Non-Smokers Health Protection Act*.

Number of offences	Fine amount
1 st offence	Up to \$3,000
2 nd offence	Up to \$5,000
3 rd offence	Up to \$15,000



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Questions Asked by Retailers

I know there are Federal and Provincial laws about the selling of tobacco. Which laws do I follow?

You must follow both laws. Federal legislation sets a standard for tobacco control across the country and provinces can make additional legislation applicable in that province only. Generally, by following the stricter standard, you should be in compliance with both laws.

Do I need to ask for proof of age before selling tobacco products?

Yes. It is strongly suggested that you ask for proof of age if the customer appears to be less than 25 years old. It is up to the retailer to determine this number. In some cases, retailers have increased this to 30 and as high as 40 years of age. It is your decision. Only government-issued photo identification is acceptable. Student cards are not acceptable forms of identification.

Can I sell tobacco to someone under 18 if they give me a note from a parent?

No! It is against the law to sell to people under 18 no matter what the reason. A note, telephone call, verbal consent from a parent, guardian or friend is not acceptable. You can be charged and convicted even if the parent agrees to the sale. No one can give you permission to break the law.



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Questions Asked by Retailers (*continued*)

What if a younger person sends in an older person to buy cigarettes for them?

The older person is breaking the law and is subject to a fine. You should tell the adult this and refuse to make the sale. If they persist, you should advise the local authorities.

Why should I go to all this trouble when it just upsets my customers?

You should abide by the laws in your province and be aware that there are heavy fines and penalties.

Along with your license to sell tobacco comes the responsibility to keep tobacco products out of the hands of people under 18 years of age. Tobacco is an addictive drug, with dangerous effects to health. Most people start smoking by age 16. Research shows that when strict laws about selling tobacco are actively enforced, fewer young people start to smoke.

Can I employ someone under the age of 18?

Yes. In Manitoba, there is no provision under tobacco legislation that has to do with the age of people selling or handling tobacco products. Retailers can hire people under the age of 18 years to sell tobacco products - clerks just cannot sell tobacco products to people under 18. It is recommended to provide extra training and monitoring to young employees who may be subject to peer pressure.

What signs do I have to post?

Federal signs are required to be posted wherever tobacco products are sold or displayed. If further information about signs is required or you need to obtain copies please contact your local Tobacco Enforcement Officer.

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Questions Asked by Retailers (*continued*)

What if I choose not to display these signs?

All tobacco retailers are required by law to display these signs. You can be fined if you do not.

What if someone defaces or steals a sign?

Contact your local enforcement officials if there are problems with your signs. It is your responsibility to maintain the signs, ensuring they are visible and readable in your store at all times. Since a defaced sign means you are not complying with the law, you must take all reasonable steps and measures to ensure that the signs are intact and visible.

Do enforcement officers have to show me a warrant before they enter my store?

No. An Enforcement Officer can enter your store without a warrant and inspect your premises. They may also check to make sure you are complying with the legislation. It is important that you and your employees fully cooperate with the Enforcement Officer.

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Protecting Yourself and Your Community's Youth

Overview

It is a tobacco retailer's obligation to take every step within their power to prevent the sale of tobacco products to those under the age of 18. And when you are not on the retail outlet premises or otherwise busy, you must be able to trust your employees to carry out each tobacco sale according to the law. Much is at risk if they do not.

It is important to devise clear rules for your employees to follow. It is safe to say that most people find it more comfortable to know what is expected of them, how to carry out the tasks set before them, and how to handle the unexpected.

Well thought out policies and procedures on tobacco product sales assist you as the owner/operator to align your shop with the laws of the province in which you live. They help your staff members have a clear understanding of those laws and what is and what is not permitted so that they can make the right decision each time.

Develop policies and procedures

Establish store policies and procedures about tobacco sales, including what will happen if people do not follow them. To be effective, these policies and procedures must be an integral part of your day to day retail operations.

Provide training

Provide all employees with complete training about Federal and Provincial tobacco legislation as well as your store policies and procedures about tobacco sales. Train employees as soon as you hire them whether or not they have worked in another tobacco retail outlet, and, most importantly, train them before they sell tobacco products.

On-going monitoring

Regularly monitor employees to make sure they are following both the laws and your store policies about tobacco sales.



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Contact Information for Manitoba

Manitoba has people working to enforce tobacco regulations. Please call them if:

- You have questions or concerns about this Toolkit
- You have questions about tobacco control and its rules and regulations
- You need information about signage
- You want to report a retailer for selling to minors

Health Canada

Tobacco Control Program
204-983-5490

Healthy Living, Youth and Seniors

Tobacco Control Office
1010-200 Graham Ave.
Winnipeg, Manitoba R3C4L5
204-945-0670 or 204-945-5650



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II

DEVELOP POLICIES & PROCEDURES

10
Easy
Steps



DEVELOP POLICIES & PROCEDURES

Introduction

Policies are courses of action adopted by a business and procedures are the steps taken to bring that action to life.

As a retailer, you have many policies in place. One policy might be to make a final bank deposit every night before closing. How you handle your night deposits – the forms you fill out, the checks and balances, even the route to your bank might all be considered procedures.

Developing decisive Policies and Procedures on how your establishment will handle the sale of tobacco products, training your staff to follow them, and monitoring your employees, is one of the most important decisions you will make.

The following sections provide retailers with guidelines:

- For developing clear policies and procedures to prevent the sale of tobacco to minors.
- For providing training to all employees who sell tobacco.
- For regularly monitoring to identify employees who may not be following store policies and procedures.
- And finally, it offers additional steps to take to ensure no one in your place of business sells a tobacco product to a minor.



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DEVELOP POLICIES & PROCEDURES

Policies and Procedures – 10 Easy Steps

Here are 10 easy steps to help you create policies and procedures for your business to prevent tobacco sales to minors.

1. Create a policy that states that you and all employees must ask for valid identification from any customer who looks 25 or younger requesting tobacco or tobacco-related products. Retailers may wish to set the age higher than 25 – it is up to you. Within this toolkit are a number of documents that will assist you in establishing the procedures to follow, from signage, to age signage stickers for quick calculations of the person's year of birth.
2. Provide training to all staff about Federal and Provincial tobacco legislation in Manitoba and your store policies and procedures for tobacco sales. This is very important. Do not allow employees to sell tobacco products until they are trained fully by experienced staff. Review the training section of this toolkit for useful training tools and resources. Use the Employee Training for Tobacco Sales booklet included with this toolkit as the foundation for your training program.
3. Review the laws regarding tobacco sales with your employees to make sure they understand them and be very specific about the consequences for staff who do not follow store policy and the laws.
4. Expect your employees to understand your store policies and the Federal and Provincial laws. There is much to know and this matter can not be taken lightly. Give them information from this toolkit to study and, after a set amount of time, give your staff members a short quiz to test their understanding. Test them again and again, until they fully understand the information. A sample Tobacco Sales Exam is included in this toolkit for this purpose or you may prefer to create your own. Again, this should be done before they are cleared to sell tobacco or any related products.

It is wise to periodically offer your employees refresher training. There may be changes to the laws since they were hired.



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DEVELOP POLICIES & PROCEDURES

Policies and Procedures – 10 Easy Steps (*continued*)

5. Use the sample Training Certificate included once employees have completed your training program. Keep a copy of this certificate in the employee's personnel file. You may need to refer to it at a later time.
6. Your employees will understand the importance of the matter better if you have them sign an agreement stating that they are aware of and understand your store policies and the Federal and Provincial tobacco legislation. To keep the subject fresh, you might choose to review the signed agreement with each of your staff members quarterly. There is a sample Employee Agreement included in the Retailer Toolkit for your use.
7. Reinforce staff awareness of the tobacco legislation and store policies on a regular basis by holding staff meetings, and during your one on one staff reviews.
8. As with any infraction, it is good management to keep records of any action taken if an employee does not follow store policy. When it comes to an employee who does not follow the laws about tobacco sales, it is even a more serious matter and will reflect unfavourably on you as the owner/operator. Monitoring Forms are an important part of this toolkit. It is just as important to keep records and recognize employees for following store policy.
9. Send out reminders to staff and hand out bulletins from government about tobacco legislation to help keep your employees informed. If your store has been warned about selling a tobacco product to someone under 18, make sure all employees see the warning. Employees should initial the warning and any other information distributed to show they have understood it. Keep these initialled government bulletins and other tobacco-related documents in a safe place.
10. Give young employees extra training and supervision to make sure they follow the legislation and store policies. Employees who are students may be pressured by their peers to sell them tobacco products illegally. Address the possibility of these situations occurring and review the suggestions for ways to say, "No".

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DEVELOP POLICIES & PROCEDURES

Additional Steps

There are many additional steps that can be taken within your place of business to make sure no one sells a tobacco product to someone who is under 18 years of age.

Here are a few suggestions.

1. Install a special cash register key to remind clerks to ask for identification, confirming proof of age of the customer before a tobacco sale.
2. Show samples of acceptable identification at the checkout to compare with the customer's identification.
3. Ask employees to sign daily or weekly shift reports to show they understand their duties under Federal and Provincial tobacco legislation and store policies.
4. Hand out tobacco sales information and reminders with employees' pay cheques, every few months.
5. Reward employees for good behaviour such as asking for ID. Positive reinforcement is important.



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III

EMPLOYEE TRAINING & TOOLS



EMPLOYEE TRAINING & TOOLS

Preparing Your Staff

With each new product or service your retail establishment offers, you must train your staff. And as you hire new employees, much time is set aside to teach them all the various policies and procedures. Training staff on the best and most efficient methods of retail is a time consuming duty of owner/operators. For tobacco retailers, training for all staff members who sell tobacco is a serious responsibility.

Training is the only way to prevent tobacco sales to minors. It is the only way to ensure you and your business will not suffer the penalties levied against tobacco retailers for breaking the law.

1. Become informed about the laws pertaining to retailing tobacco and tobacco-related products. It is easiest to train others when you are an expert on the subject.
2. Provide your staff with the education they need to fully understand the requirements under Federal and Provincial tobacco legislation in Manitoba including definitions, legal age, and the penalties they could cause you and your store – the source of their own income.
3. Review the types of ID that are valid identification and accepted under the tobacco access regulations.



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EMPLOYEE TRAINING & TOOLS

Preparing Your Staff (*continued*)

4. Your staff members will look to you for guidance. Help them carry out their jobs by:
 - Showing them how to spot false IDs,
 - Posting the Age Signage stickers in convenient places to make it easy for them,
 - Reviewing ways for them to say no to anyone who does not produce valid ID while remaining polite to your valued customers,
 - Offering them tips on how to deal with troublesome customers,
 - Having emergency policies and procedures in place if an employee feels threatened by an agitated person looking to purchase tobacco illegally, and
 - Ensure that staff understands that curtains or cabinets need to be closed so tobacco is not displayed.
5. Make training, up-dates, reviews, agreements and instructions about store policies and procedures for tobacco sales and the penalties for not following them part of your business routine.
6. Quiz your staff at regular intervals or when some change in the law is announced. This will confirm your employees' knowledge and understanding of Federal and Provincial tobacco legislation and store policies. It will give both you and your staff peace of mind.
7. Keep records of all one-on-one reviews with staff, including the date and details of the review, to ensure they understand the laws and store policies about tobacco sales and to make sure there are no misunderstandings.



Employee Training & Tools

Tobacco Sales Exam – Version A

1. **How old does your customer have to be for you to legally sell them tobacco products?**
 - a) at least 18
 - b) at least 19
 - c) at least 21
 - d) at least 25
2. **Which of these is not a tobacco or tobacco-related product?**
 - a) cigarette papers
 - b) cigarette makers
 - c) matches
 - d) chewing tobacco
3. **Which of the following is not an acceptable form of ID?**
 - a) university ID card with photo
 - b) Indian Status card
 - c) Manitoba photo driver's licence
 - d) passport
4. **When can you accept a university ID card as proof of age?**
 - a) when it has the person's name, photo, date of birth and signature on it
 - b) when it comes from a Manitoba university
 - c) never – this is not acceptable ID
 - d) when the person has at least one other type of ID
5. **When can you sell single cigarettes?**
 - a) when the customer is of legal age
 - b) when the store's policy allows it
 - c) never – it is illegal
 - d) when the customer specifically asks for one cigarette
6. **A woman who looks about 23 or 24 comes into the store with two small children. She asks for cigarettes. When you ask for ID, she says, "Don't be silly, I've got two kids." What do you do?**
 - a) sell her the cigarettes
 - b) ask for proof that the children are hers
 - c) ask her to sign a declaration that she is old enough
 - d) refuse the sale if she doesn't provide acceptable ID
7. **When can tobacco products be in public view?**
 - a) when the store is extremely busy
 - b) when you are stocking the shelves
 - c) when there are no minors in the store
 - d) between the hours of midnight and 6:00 a.m.
8. **How much will you be fined if you are found guilty in court of selling tobacco to a minor (first offence)?**
 - a) a maximum of \$100
 - b) a maximum of \$250
 - c) a maximum of \$1,000
 - d) a maximum of \$3,000
9. **A person who looks about 23 or 24 wants to buy cigarettes. His ID looks funny. He says that it went through the washing machine. What do you do?**
 - a) ask for a second piece of ID
 - b) refuse the sale
 - c) sell him the cigarettes
 - d) ask him to sign a declaration stating that he is old enough

Name of Employee

Date

Signature



Employee Training & Tools

Tobacco Sales Exam – Version B

1. **How old does your customer have to be for you to legally sell them tobacco products?**
 - a) 25
 - b) 21
 - c) 19
 - d) 18
2. **Which of these is a tobacco-related product?**
 - a) matches
 - b) lighter
 - c) ashtrays
 - d) cigarette maker
3. **Which of the following is not an acceptable form of ID?**
 - a) Manitoba's driver's licence without a photo
 - b) driver's licence from the U.S. with a photo, date of birth and signature
 - c) Canadian forces ID card
 - d) Canadian citizenship card
4. **When can you accept a driver's licence from another province as proof of age?**
 - a) when the person has at least one other type of ID
 - b) always – this is an acceptable form of ID
 - c) when it has the person's name, photo, date of birth and signature on it
 - d) never – this is not acceptable ID
5. **What is the minimum number of cigarettes that must be in a package?**
 - a) 15
 - b) 20
 - c) 25
 - d) 30
6. **A boy who looks about 9 or 10 comes into the store. He has a note from his dad giving him permission to buy pipe tobacco. What do you do?**
 - a) sell him the pipe tobacco
 - b) phone his dad to be sure the note is authentic
 - c) sell the tobacco and keep the note on file to protect yourself
 - d) refuse the sale
7. **When can tobacco products be in public view?**
 - a) when you are doing inventory
 - b) between the hours of midnight and six a.m.
 - c) when there are no minors in the store
 - d) when the store is extremely busy
8. **How much will you be fined if you are found guilty in court of selling tobacco to a minor (first offence)?**
 - a) a maximum of \$1,000
 - b) a maximum of \$3,000
 - c) a maximum of \$5,000
 - d) a maximum of \$10,000
9. **A person who looks about 23 or 24 wants to buy cigarettes. She doesn't look very much like the photo on her ID card. She says it's because she recently cut and coloured her hair. What should you do?**
 - a) ask to see a more recent picture
 - b) ask to see a second piece of ID
 - c) refuse the sale
 - d) sell her the cigarettes

Name of Employee

Date

Signature



Employee Training & Tools

Tobacco Sales Exam – Version C

1. **How old does your customer have to be for you to legally sell them tobacco products?**
 - a) at least 25
 - b) at least 18
 - c) at least 21
 - d) at least 19
2. **Which of the following is not a tobacco or tobacco-related product?**
 - a) cigarette holder
 - b) cigars
 - c) lighters
 - d) snuff
3. **Which of the following is an acceptable form of ID?**
 - a) Canadian citizenship card
 - b) University ID card with photo
 - c) Manitoba Health Services card
 - d) Government of Canada Social Insurance Number card
4. **When can you accept an Indian Status card as proof of ID?**
 - a) when the person has at least one other piece of ID
 - b) always – this is an acceptable form of ID
 - c) when the customer is known to you personally
 - d) never – this is not acceptable ID
5. **How many cigarettes must be in a package?**
 - a) at least 30
 - b) at least 25
 - c) at least 20
 - d) at least 15
6. **A girl who looks about 10 or 11 comes into the store. She wants to buy a cigar for her dad's birthday. What do you do?**
 - a) phone her mom to be sure it's okay
 - b) sell her the cigar
 - c) ask her to come back with a note of permission from her mom
 - d) refuse the sale
7. **How much will you be fined if you are found guilty in court of selling tobacco to a minor (second or subsequent offence)?**
 - a) up to \$1,000
 - b) up to \$5,000
 - c) up to \$10,000
 - d) up to \$50,000
8. **When can you sell tobacco to the other clerks who work with you at the store?**
 - a) when they are of legal age
 - b) when they are on duty – regardless of their age
 - c) when they are off duty
 - d) when your manager authorizes the sale
9. **In the store where you work, you are required to check the ID of everyone who looks younger than what age?**
 - a) 22
 - b) 30
 - c) 40
 - d) 25
 - e) Other: _____

Name of Employee

Date

Signature



Employee Training & Tools

Tobacco Sales Exam – Version A – Answer Key

1. **How old does your customer have to be for you to legally sell them tobacco products?**
 - ✓ a) **at least 18**
 - b) at least 19
 - c) at least 21
 - d) at least 25
2. **Which of these is not a tobacco or tobacco-related product?**
 - a) cigarette papers
 - b) cigarette makers
 - ✓ c) **matches**
 - d) chewing tobacco
3. **Which of the following is not an acceptable form of ID?**
 - ✓ a) **university ID card with photo**
 - b) treaty card
 - c) Manitoba photo driver's licence
 - d) passport
4. **When can you accept a university ID card as proof of age?**
 - a) when it has the person's name, photo, date of birth and signature on it
 - b) when it comes from a Manitoba university
 - ✓ c) **never – this is not acceptable ID**
 - d) when the person has at least one other type of ID
5. **When can you sell single cigarettes?**
 - a) when the customer is of legal age
 - b) when the store's policy allows it
 - ✓ c) **never – it is illegal**
 - d) when the customer specifically asks for one cigarette
6. **A woman who looks about 23 or 24 comes into the store with two small children. She asks for cigarettes. When you ask for ID, she says, "Don't be silly, I've got two kids." What do you do?**
 - a) sell her the cigarettes
 - b) ask for proof that the children are hers
 - c) ask her to sign a declaration that she is old enough
 - ✓ d) **refuse the sale if she doesn't provide acceptable ID**
7. **When can tobacco products be in public view?**
 - a) when the store is extremely busy
 - ✓ b) **when you are stocking the shelves**
 - c) when there are no minors in the store
 - d) between the hours of midnight and 6:00 a.m.
8. **How much will you be fined if you are found guilty in court of selling tobacco to a minor (first offence)?**
 - a) a maximum of \$100
 - b) a maximum of \$250
 - c) a maximum of \$1,000
 - ✓ d) **a maximum of \$3,000**
9. **A person who looks about 23 or 24 wants to buy cigarettes. His ID looks funny. He says that it went through the washing machine. What do you do?**
 - a) ask for a second piece of ID
 - ✓ b) **refuse the sale**
 - c) sell him the cigarettes
 - d) ask him to sign a declaration stating that he is old enough



Employee Training & Tools

Tobacco Sales Exam – Version B – Answer Key

1. **How old does your customer have to be for you to legally sell them tobacco products?**
 - a) 25
 - b) 21
 - c) 19
 - ✓ d) **18**
2. **Which of these is a tobacco-related product?**
 - a) matches
 - b) lighter
 - c) ashtrays
 - ✓ d) **cigarette maker**
3. **Which of the following is not an acceptable form of ID?**
 - ✓ a) **Manitoba's driver's licence without a photo**
 - b) driver's licence from the U.S. with a photo, date of birth and signature
 - c) Canadian forces ID card
 - d) Canadian citizenship card
4. **When can you accept a driver's licence from another province as proof of age?**
 - a) when the person has at least one other type of ID
 - b) always – this is an acceptable form of ID
 - ✓ c) **when it has the person's name, photo, date of birth and signature on it**
 - d) never – this is not acceptable ID
5. **What is the minimum number of cigarettes that must be in a package?**
 - a) 15
 - ✓ b) **20**
 - c) 25
 - d) 30
6. **A boy who looks about 9 or 10 comes into the store. He has a note from his dad giving him permission to buy pipe tobacco. What do you do?**
 - a) sell him the pipe tobacco
 - b) phone his dad to be sure the note is authentic
 - c) sell the tobacco and keep the note on file to protect yourself
 - ✓ d) **refuse the sale**
7. **When can tobacco products be in public view?**
 - ✓ a) **when you are doing inventory**
 - b) between the hours of midnight and six a.m.
 - c) when there are no minors in the store
 - d) when the store is extremely busy
8. **How much will you be fined if you are found guilty in court of selling tobacco to a minor (first offence)?**
 - a) a maximum of \$1,000
 - ✓ b) **a maximum of \$3,000**
 - c) a maximum of \$5,000
 - d) a maximum of \$10,000
9. **A person who looks about 23 or 24 wants to buy cigarettes. She doesn't look very much like the photo on her ID card. She says it's because she recently cut and coloured her hair. What should you do?**
 - a) ask to see a more recent picture
 - b) ask to see a second piece of ID
 - ✓ c) **refuse the sale**
 - d) sell her the cigarettes



Employee Training & Tools

Tobacco Sales Exam – Version C – Answer Key

1. How old does your customer have to be for you to legally sell them tobacco products?
 - a) at least 25
 - ✓ b) **at least 18**
 - c) at least 21
 - d) at least 19
2. Which of the following is not a tobacco or tobacco-related product?
 - a) cigarette holder
 - b) cigars
 - ✓ c) **lighters**
 - d) snuff
3. Which of the following is an acceptable form of ID?
 - ✓ a) **Canadian citizenship card**
 - b) University ID card with photo
 - c) Manitoba Health Services card
 - d) Government of Canada Social Insurance Number card
4. When can you accept a treaty card as proof of ID?
 - a) when the person has at least one other piece of ID
 - ✓ b) **always – this is an acceptable form of ID**
 - c) when the customer is known to you personally
 - d) never – this is not acceptable ID
5. How many cigarettes must be in a package?
 - a) at least 30
 - b) at least 25
 - ✓ c) **at least 20**
 - d) at least 15
6. A girl who looks about 10 or 11 comes into the store. She wants to buy a cigar for her dad's birthday. What do you do?
 - a) phone her mom to be sure it's okay
 - b) sell her the cigar
 - c) ask her to come back with a note of permission from her mom
 - ✓ d) **refuse the sale**
7. How much will you be fined if you are found guilty in court of selling tobacco to a minor (second or subsequent offence)?
 - a) up to \$1,000
 - b) up to \$5,000
 - c) up to \$10,000
 - ✓ d) **up to \$50,000**
8. When can you sell tobacco to the other clerks who work with you at the store?
 - ✓ a) **when they are of legal age**
 - b) when they are on duty – regardless of their age
 - c) when they are off duty
 - d) when your manager authorizes the sale
9. In the store where you work, you are required to check the ID of everyone who looks younger than what age?
 - a) 22
 - ✓ b) **30**
 - c) 40
 - ✓ d) **25**
 - e) Other: _____

*(There is more than one correct answer question 9.
The correct answer depends on the store policy.)*



Employee Training & Tools

Problems with IDs

Calculating the age of a customer from the date of birth can be confusing. Use the stickers included in this kit to figure out if a customer is 18 or over. Do not forget to change the stickers each year as required.

Keep an eye out for altered identification. Younger customers may try to change their IDs to appear older.

Here are some ways to spot altered IDs:

- Has the ID been changed in any way?
- Have the dates been altered in any way?
- Look closely at the typeface on the dates – is it the same as the rest of the card?
- Has the surface been scratched so you cannot read the dates?
- Have the corners been peeled back?
- Run your finger across the surface of the card – has it been scratched near the birth date?
- Can you feel a break in the surface that would show something has been inserted into the card – has a new date been inserted into the card?
- Check the picture – does the person in front of you look like the person in the picture?



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Employee Training & Tools

Employee Agreement

Please initial in the box beside each paragraph to show that you fully understand the requirements of the Federal and Provincial tobacco legislation and store policy.

☐

1. **A TOBACCO PRODUCT INCLUDES:**

cigarettes, cigars, chewing tobacco, snuff, bidis, pipe tobacco, loose tobacco, kreteks, tobacco sticks

☐

2. **A TOBACCO-RELATED PRODUCT INCLUDES:**

cigarette papers, cigarette tubes, cigarette filters, cigarette makers, pipes or any other product used in association with tobacco that is prescribed.

☐

3. IT IS **ILLEGAL** TO SELL OR PROVIDE (FURNISH) TOBACCO PRODUCTS TO **ANYONE UNDER 18 YEARS OF AGE.**

☐

4. I UNDERSTAND AND WILL FOLLOW STORE POLICY TO REQUEST I.D. FROM **ANYONE APPEARING _____ YEARS OF AGE OR UNDER.**

☐

5. I UNDERSTAND THAT THE **ONLY ACCEPTABLE I.D. IS GOVERNMENT I.D. CONTAINING PHOTO, DATE OF BIRTH, AND SIGNATURE.**

I, _____, have read and understand the requirements of Federal and Provincial tobacco legislation and store policy regarding tobacco sales.

Employee Signature: _____ **Date:** _____

Employer/Trainer Signature: _____

Note: Please keep a copy of this form for your employee personnel files.



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Employee Training & Tools

Training Certificate

This is to certify that I, _____
(Name of Employer)

of _____
(Name of Retail Outlet)

have provided tobacco sales training to _____
(Name of Employee)

This employee has demonstrated knowledge of laws and policies to prevent the sale of tobacco products to people under 18 years of age.

Employee Signature: _____ **Date:** _____

Trainer Signature: _____

Employer/Manager Signature: _____

Note: Please keep a copy of this form for your employee personnel files.

section
IV

**ON-GOING
MONITORING
& TOOLS**



ON-GOING MONITORING TOOLS

Monitoring Your Staff Members

It is in your own best interest as a tobacco retailer to monitor your employees' actions. The laws are very specific and you have much to lose if they are broken. By monitoring them, you can identify staff members who are not following store policies or the laws under Federal and Provincial tobacco legislation.

You will choose the methods that are best suited in keeping with your own policy on the matter. The following outline a number of methods that other owner/operators have found effective.

1. Supervise employees and record staff performance on an on-going basis. A *Sign-In Sheet* is included as part of the Retailer Toolkit.
2. Check the compliance of your tobacco retail operation's policies by using test shoppers. Your test shoppers may or may not lie about their age if asked and should be prepared to show identification. Where identification is requested, the test shopper should observe if it is properly examined. There is a *Test Shopper Report – Compliance Check* included within this Toolkit. Company test shoppers are used to confirm compliance with store policy only. Please be sure to use test shoppers over 18 years of age to avoid violating the law.
3. Complete the *Checklist for Owners/Managers* on a quarterly basis to confirm that steps have been taken in the areas of training, daily operations and monitoring. If you are ever warned about a tobacco sale to a minor from your premises, then you can refer to the Checklist and prove the steps you have taken as an employer to avoid just such a circumstance.



IV section

ON-GOING MONITORING TOOLS

Due Diligence

Owners or operators are responsible for the actions of their employees. They may be charged if an employee sells or provides a tobacco product to someone who is under 18 years of age.

It is important to record your policies and procedures, your signed staff agreements, tests, as well as signed government announcements and other notices.

"Due diligence" means doing everything reasonably possible to try to prevent such an offence from occurring.

The final decision about an owner or operator's due diligence will be made in a court of law.

A close-up photograph of a hand holding a blue ballpoint pen, signing a document. The document is a 'Training Certificate' form. The signature is written in blue ink. The form has several lines of text, some of which are partially obscured by the hand and pen. The background is a solid red color.

Training Certificate

This is to certify that I, _____ (Name)

of _____

have provided tobacco sales training to _____ (Name)

IV
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On-Going Monitoring Tools

Sign-In Sheet

When you sign this sheet you are promising to follow the law and store policies and procedures to prevent tobacco sales to minors.

The Law

It is illegal to sell or provide (furnish) tobacco and tobacco-related products to anyone under 18 years of age.

Store Policies and Procedures

It is the policy of this store that all employees must ask for photo ID from anyone who appears ____ years of age or under.

Date	Employee's Name	Employee's Signature



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On-Going Monitoring Tools

Sign-In Sheet (*continued*)

Date	Employee's Name	Employee's Signature



On-Going Monitoring Tools

Test Shopper Report – Compliance Check

Date: _____ Time: _____

Store and Address: _____

Employee (clerk) checked (if no name tag is visible, provide a description): _____

	YES	NO
Did the clerk ask for age?		
Did the clerk ask for acceptable photo ID?		
Was the ID examined properly?		
Did the clerk sell a tobacco product to the shopper?		
Were tobacco products concealed from public view?		
Was the provincial sign posted and not hidden?		

Other comments or observations: _____

Test Shopper Name: _____ **Age:** _____

Signature: _____



On-Going Monitoring Tools

Checklist for Owners/Managers

You can be held responsible for the actions of your employees if the employees sell tobacco to minors. You may be able to demonstrate due diligence to prevent tobacco sales to minors by establishing a comprehensive program that has three components:

- Store policies and procedures
- Training
- Monitoring

Use this checklist to be sure that you have implemented an appropriate program and that you have not missed important points. It is a good idea to review the checklist every three months.

Have these steps been taken?		Store Policies and Procedures	Have these steps been recorded?		Initials
YES	NO		YES	NO	
		Is it store policy that employees cannot sell tobacco until they are fully trained?			
		Is it store policy that employees must ask for photo ID for customers who appear ____ years of age or younger?			
		Have you implemented standard procedures for dealing with customers who cannot provide appropriate ID?			
		Have you implemented a step-by-step process for checking ID?			
		Have penalties been established for employees who do not follow the law and store policies and procedures?			
		Are employees required to sign a form agreeing they will not sell tobacco to minors?			
		Are provincial signs posted as required by law?			
		Are store policies and procedures written down?			



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On-Going Monitoring Tools

Checklist for Owners/Managers (continued)

Have these steps been taken?		Training	Have these steps been recorded?		Initials
YES	NO		YES	NO	
		Did training include the following information? (Remember – training is only complete when all the information below is covered.)			
		• <i>Illegal to sell tobacco to people under 18</i>			
		• <i>Definitions of tobacco and tobacco-related products</i>			
		• <i>Illegal to sell cigarettes and little cigars in packs of less than 20</i>			
		• <i>Types of acceptable photo ID</i>			
		• <i>Procedures for examining ID / how to refuse tobacco sale</i>			
		• <i>How to deal with difficult customers</i>			
		• <i>Employees and store owners can be ticketed or charged for selling to minors</i>			
		• <i>Fines for selling to minors</i>			
		• <i>Need to keep tobacco covered at all times except when restocking or taking inventory</i>			
		Has an exam been given to employees upon completion of training?			
		Have employees been asked to sign an agreement to show they understand the law and store policies and procedures?			
		Are tobacco laws and store policies and procedures reviewed regularly with employees?			

Have these steps been taken?		Monitoring	Have these steps been recorded?		Initials
YES	NO		YES	NO	
		Are employees supervised regularly?			
		Are test shoppers used to ensure that employees are following the law?			
		Are tobacco products covered at all times?			
		Are store videos reviewed regularly?			

Employee Signature: _____ Date: _____

section

V

EMPLOYEE TRAINING TO PREVENT TOBACCO SALES TO MINORS FOR CLERKS & OTHERS WHO SELL TOBACCO



EMPLOYEE TRAINING TO PREVENT TOBACCO SALES TO MINORS FOR CLERKS & OTHERS WHO SELL TOBACCO

It's the Law

It is illegal to Furnish Tobacco to Minors

It is against the law to furnish tobacco and tobacco-related products to anyone under the age of 18 years of age.

It is illegal to furnish tobacco or tobacco-related products to customers who are under the age of 18. It is also illegal for clerks who are under the age of 18 to furnish tobacco to themselves, and for clerks to furnish tobacco or tobacco-related products to fellow employees under the age of 18.

It is Illegal to Sell Single Cigarettes or Little Cigars

It is against the law to sell single cigarettes or little cigars. Both must be sold in packages that contain quantities of at least 20.

Definitions

Furnish: To sell, lend, assign, give, send with or without consideration, or to barter or deposit with another person for performance of a service. This can (but does not have to) include an exchange of money.

Minor: Anyone under 18 years of age. Also called a young person or youth.

Tobacco Products: Tobacco Products are composed in whole or in part of tobacco.

Some Tobacco Products are:

- cigarettes
- snuff
- loose tobacco
- cigars
- little cigars
- cigarillos
- bidis
- kreteks
- chewing tobacco
- pipe tobacco
- leaves
- blunt wraps

Tobacco-Related Products are:

- tubes
- cigarette papers
- filters
- pipes
- cigarette makers
- cigarette holders
- cigarette cases
- cigar clips

Sell: Includes to offer for sale and expose for sale. A sale does not have to be completed for the law to apply.

Penalties

What happens if I furnish tobacco or a tobacco-related product to someone under 18?

You Can be Fined:

1st Offence

Up to \$3,000

2nd or Later Offence

Up to \$50,000

What happens if I sell single cigarettes or single little cigars?

You Can be Fined:

1st or Later Offence

Up to \$50,000



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EMPLOYEE TRAINING TO PREVENT TOBACCO SALES TO MINORS FOR CLERKS & OTHERS WHO SELL TOBACCO

Legal Identification (ID)

Federal and Provincial tobacco legislation in Manitoba states that only the following pieces of identification or documentation are acceptable to prove a person's age:

- Driver's Licence
- A Canadian passport
- Government-issued certification of Canadian citizenship
- Canadian permanent resident document
- Canadian Armed Forces (Canadian Forces) identification card
- Certificate of Indian Status card
- Other documentation from a Federal or Provincial authority or a foreign government. An example may be a government-issued voluntary ID card.



All acceptable Government identification must contain the person's photograph, date of birth and signature.

STUDENT CARDS ARE NOT ACCEPTABLE AS PROOF OF AGE FOR TOBACCO PURCHASES

V

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EMPLOYEE TRAINING TO PREVENT TOBACCO SALES TO MINORS FOR CLERKS & OTHERS WHO SELL TOBACCO

Ask for ID

Estimating age can be difficult. Although these people may look older, in fact the youngest is 14 years of age and not one of them is 18. Therefore, it would be illegal to furnish any of these people with tobacco or tobacco-related products.



So, when it comes to estimating someone's age:

- Don't Guess
- Ask for ID

Five Steps for Checking ID

1. ID card – look at the ID card. Is it one of the acceptable government-issues ID? If not... **No Sale!**
2. Photo – Look at the person, then look at the photo on the ID card. If they look different... **No Sale!**
3. Original ID Card – Does the ID card appear to be altered or pasted together? If yes... **No Sale!**
4. Date of Birth – Look at the date of birth and determine the person's age. Under 18... **No Sale!**
5. Signature – Is the ID card signed? No signature... **No Sale!**

Remember: Never reach for and handle tobacco products until these five steps have been followed. Always check for ID before you begin the sale!



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EMPLOYEE TRAINING TO PREVENT TOBACCO SALES TO MINORS FOR CLERKS & OTHERS WHO SELL TOBACCO

Who to Ask for ID

Check with your store's proof of age policy, you may be required to ask for ID from anyone who is 25, 30 or even 40 years of age.

Do not sell tobacco if the customer:

- Has no ID
- Does not show you one of the acceptable government ID cards required by law.
- Does not look like the photo on the ID card.
- Gives you an ID that indicates they are under 18 years old.
- Shows you an ID card you believe is fake. For example, if it looks like the date of birth has been changed.
- Gives you an ID without a signature.
- Begs you to sell them tobacco.
- Shows you a note from a parent.

By Asking for ID you may avoid:

- Giving tobacco to a person less than 18 years old.
- Guessing a young person's age.
- Breaking the law and getting a fine.



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EMPLOYEE TRAINING TO PREVENT TOBACCO SALES TO MINORS FOR CLERKS & OTHERS WHO SELL TOBACCO

Saying No! It is Your Right!

You have the right to say no to anyone who is asking you to break the law. This includes friends! It is illegal for you to provide tobacco or tobacco-related products to anyone who is under 18 years of age.

Saying no to others in your age group and especially friends is not easy. These tips are to help you feel confident in saying no firmly.

1. Tell the person that they are asking you to break the law and that you could lose your job and be fined up to \$50,000.
2. Say no firmly without hesitating. Your voice and expression will make it clear that the matter is closed. There is no further discussion. Use confident body language. This includes: look at the person when you are speaking, keep your head up, and speak with a confident calm tone.
3. Repeat yourself if you have to. Some people will accept your decision but some will not. For those who insist on buying tobacco, repeat the same phrase (step one) over and over. This works because it lets others know nothing they say will change your mind.
4. Tell the customer to see the manager or your supervisor if they continue to pressure you.
5. Tell the person that you will call the police if you feel physically threatened or if they will not leave.

Remember: If you furnish tobacco or a tobacco-related product to someone under 18 ... you could be fined and lose your job.

Remember: Health Canada and Manitoba Healthy Living, Youth and Seniors send test shoppers out to retail locations to test compliance. You might be tested.

- Do not sell tobacco and tobacco-related products to people under 18.
- Avoid fines by following the law.
- Ask for ID.

If you sell tobacco or a tobacco-related product to someone under the age of 18, your employer may also be fined. Therefore, many employers terminate staff who sell to people under 18.

- Do not risk getting a fine.
- Do not risk losing your job.
- Always ask for ID.
- Check with your store manager about store policy. You may be required to ask for ID from anyone who appears 25, 30 or 40 years of age or younger.



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EMPLOYEE TRAINING TO PREVENT TOBACCO SALES TO MINORS FOR CLERKS & OTHERS WHO SELL TOBACCO

Displaying Tobacco is Against the Law

Tobacco and tobacco-related products must be kept out of public view in places where young people have access.

Most stores use curtains or sliding doors to keep tobacco products out of public view. Drawers or cabinets are also okay.



The curtains or sliding doors must be closed at all times. You can open them only when you are:

- Removing tobacco for sale
- Restocking the shelves
- Doing an inventory

Remember: If you leave curtains or doors open so that the tobacco is visible, your employer can be fined up to \$15,000. Therefore, many employers terminate staff if they leave curtains or doors open.



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EMPLOYEE TRAINING TO PREVENT TOBACCO SALES TO MINORS FOR CLERKS & OTHERS WHO SELL TOBACCO

Key Points

It is illegal to sell tobacco or tobacco-related products to anyone under the age of 18.

It is illegal for clerks who are under 18 to furnish themselves with tobacco and for clerks to furnish fellow employees under the age of 18 with tobacco or tobacco-related products.

Cigarettes or little cigars must be sold in packages that contain at least 20.

Always ask for ID. It is difficult to estimate age. Acceptable forms of ID are:

- Driver's Licence
- A Canadian passport
- Government-issued certification of Canadian citizenship
- Canadian permanent resident document
- Canadian Armed Forces (Canadian Forces) identification card
- Certificate of Indian Status card
- Other documentation from a Federal or Provincial authority or a foreign government. An example may be a government-issued voluntary ID card. Remember all acceptable forms of ID are required to contain the persons photo, date of birth and signature.

Do not sell tobacco if the customer:

- Has no ID
- Does not show one of the acceptable government-issued ID cards
- Does not look like the photo on the ID card
- Gives you ID that shows they are under 18
- Gives you ID that looks fake or altered
- Gives you ID without signature



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EMPLOYEE TRAINING TO PREVENT TOBACCO SALES TO MINORS FOR CLERKS & OTHERS WHO SELL TOBACCO

Key Points (*continued*)

You have the right to say no to anyone who asks you to break the law by selling tobacco and tobacco-related products to people who are under 18.

Tobacco and tobacco-related products must be kept out of public view if your establishment serves people under 18.

The curtains or sliding doors that conceal tobacco may be open only to:

- Remove tobacco for sale
- Restock the shelves
- Do an inventory

Manitoba Healthy Living, Youth and Seniors and Health Canada send test shoppers to places that sell tobacco and tobacco-related products. You might be tested. Always ask for ID.

You may be fined up to \$50,000 if you sell tobacco or tobacco-related products to people under the age of 18, or, if you sell single cigarettes or single little cigars.

Tobacco use is a leading cause of preventable illness and premature death in Canada – it is a major contributing factor to a number of chronic diseases and deaths.

As responsible citizens, we need to be concerned with the well-being of the youth in our neighbourhoods, in our community, in our society. It is up to each of us to help keep harmful substances out of the hands of minors.



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