

Lessons from Anti-tobacco Advocacy: Nova Scotia's Journey 1993 - 2007

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Introduction

How did a small, relatively conservative province like Nova Scotia end up with the strongest, most comprehensive Smoke-Free Places (SF Places) and Point-of-Sale (POS) anti-tobacco legislation in Canada?

Essentially, these are the most important factors:

- Nova Scotia's comprehensive tobacco strategy, developed with community input and announced at the first provincial tobacco control conference in 2001, allowed government and partners such as SFNS to unite around a common goal.
- The strategy and Nova Scotia's new focus on health promotion through the newly formed Department of Health Promotion ideally platformed government to enact legislation to meet the public health mandate of the strategy.
- Local community advocacy and municipal leadership resulted in smoke-free municipal by-laws. This patchwork of by-laws made it more pressing to have provincial legislation.
- Nova Scotia's minority government meant legislation had all-party support.
- The US *CDC Best Practice for Comprehensive Tobacco Control (1999)* provided irrefutable evidence. Local research showed high health and economic costs to tobacco use in NS, and CTUMS data showed the province had the highest smoking rates in the country.
- Many partners—Tobacco Control Unit staff, District Health Authorities, Community Health Boards, non-governmental organizations such as Doctor's NS, Canadian Cancer Society - NS Division, NS Dental Association, Heart and Stroke Foundation of NS, health care providers, and local advocacy coalitions such as Smoke-Free Kings and SFNS—advocated and raised awareness across the province to enable legislation. *How did we end up here? Through a lot of hard work!*

~Advocacy informant

Through a document review and interviews and focus groups with politicians, community and Smoke-Free Nova Scotia (SFNS) advocates in the fall of 2007, this article traces the journey of anti-tobacco advocacy in Nova Scotia from 1993 to 2007. It summarizes, from the perspective of informants, lessons learned leading to the implementation of Nova Scotia's SF Places and POS legislation.¹ Although this article records events and learnings on behalf of SFNS, it may also be helpful to tobacco reduction advocates working towards similar goals.

¹ Direct quotes from informants are included in italics.

About Smoke-Free Nova Scotia

Smoke-Free Nova Scotia (SFNS) is a provincial coalition with the goal of creating a tobacco free Nova Scotia with four main objectives:

- to support, encourage or undertake initiatives which discourage tobacco use in order to promote health;
- to advocate for and promote healthy public policy related to tobacco control;
- to increase public awareness of tobacco and health issues; and,
- to support the comprehensive and collaborative approach to tobacco control.

SFNS is structured as a partnership of member organizations—in 2006, there were 23 member agencies represented by SFNS, including non-governmental health organizations, health care provider organizations and community organizations. As well, provincial health representatives and agencies are represented through members from District Health Authorities, Public Health, the IWK Health Centre, District Health Tobacco Coordinators and Addictions Services staff. The strengths and resources of members and community partners and relationships with government staff enable the work of SFNS.

1. Nova Scotia's Journey: Legislation and Timelines

Core tobacco reduction legislation introduced by the NS legislature includes the *Tobacco Access Act*, first introduced in 1993 as an *Act to Restrict the Access to Tobacco and Tobacco Products by Minors* and the *Smoke-Free Public Places Act*, first introduced in 2003. Amendments to the *Tobacco Access Act* were made in 1999 and again in 2006. The 2006 amendments transform this Act into what is commonly referred to as *Point-of-Sale (POS)* legislation. The *Smoke-Free Public Places Act* was amended in 2005.² Key features of these acts are summarized in the table below.

Name of Legislation	Date	Key Features
<i>An Act to Restrict the Access to Tobacco and Tobacco Products by Minors</i>	Introduced: 1993	Restricts youth access to tobacco, prohibits vending machines and half packs of cigarettes, requires POS signage
<i>Tobacco Access Act</i>	Amended: 1999	Prohibits tobacco sale in pharmacies, prohibits sale of single cigarettes and counter-top displays
<i>Tobacco Access Act (known as Point-of-Sale legislation)</i>	Amended: 2006	Prohibits tobacco promotion signage and products in public view at point of sale
<i>Smoke-Free Public Places Act</i>	Introduced: 2003	Requires workplaces and most public places to be Smoke-Free
<i>Smoke-Free Public Places Act</i>	Amended: 2005	Requires that all workplaces and public places be Smoke-Free, including outdoor areas

² Bills from Nova Scotia's House of Assembly are available online from 1995 onwards at: www.gov.ns.ca/legislature/legc

Smoke-Free Places Legislation: 1993 - 2006

1993: The groundwork for SF Places legislation in Nova Scotia was set with the election of a Liberal government promising the toughest anti-smoking legislation in the country. Dr Ron Stewart, then Minister of Health, established a provincial Tobacco Control Unit to carry out this mandate.

1990's: SFNS worked through the 1990's to establish smoking bans at the municipal level in the Halifax area, while community groups in other jurisdictions advocated for similar bans. After considerable advocacy, the Halifax Regional Municipality (HRM) enacted Bill S-201 in 1999, extending a previous law to enhance Smoke-Free protection in restaurants (50% of seating to be non-smoking), licensed premises (25% of seating non-smoking but 50% if food is served) and bowling alleys (50% non-smoking), pool halls and bingo halls.

2000:

- SFNS identified legislation and taxation as two main priorities.
- Broad, province-wide community consultations were facilitated by Nova Scotia's Tobacco Control Unit staff to engage tobacco reduction advocates and assist in the development of the provincial tobacco strategy, officially launched in 2001 at the first provincial tobacco control conference. The strategy brought government and the provincial tobacco reduction community together around a comprehensive plan with seven central pillars for action including *Pricing and Taxation* and *Smoke-Free Legislation and Policy*. It also included staffing for Tobacco Coordinators and funds for cessation staff and cessation supports in each health district in the province. This tobacco reduction strategy and its launch at a provincial tobacco conference in 2001 were crucial in laying the groundwork and building momentum for future legislative changes.³

2001 -2006:

SFNS identified advocacy as its main area of focus. Drawing on the support, networks and personnel of member agencies, SFNS and partners advocated for SF Places legislation at the municipal and provincial level by:

- Developing and distributing position statements and supporting materials such as fact sheets, and question/answer documents
- Meeting with cabinet ministers, MLAs, municipal councilors, and party researchers
- Ensuring accurate and up-to-date research on legislation, ETS exposure, workplace smoking, cost of use, ventilation and keeping abreast of strategies, research and momentum in other areas
- Engaging partners and the public via petitions, opinion polls, letter writing and MLA contacts
- Continuing a broad-based media campaign, including public events on Weedless Wednesday and Tobacco Control Report Card

³ For a copy of Nova Scotia's 2001 tobacco reduction strategy, *A Comprehensive Tobacco Strategy for Nova Scotia*, see www.gov.ns.ca/health/downloads/tobacco.pdf

- Offering advocacy education workshops and providing presentations to potential allies and supporters
- Networking with member agencies, supporters and other groups

2002:

- SF Places legislation was enacted municipally, first in the Town of Wolfville in January 2002 and Berwick in April 2002, due to the education, advocacy and community development efforts of Smoke-Free Kings and the supportive Wolfville mayor and town council.
- The province of Nova Scotia established the Office of Health Promotion (announced as a Department of Health Promotion and Protection in 2006). The mandate for coordination of the Tobacco Control Strategy was shifted from the Department of Health to Health Promotion. Smoke-free legislation fit well into the mandate of this new department.
- NS brought in legislation banning smoking in most indoor public places and workplaces, to become law January 2003. However, this legislation imposed only a partial ban on smoking and didn't meet the full coverage criteria endorsed by SFNS and other partners. However, SFNS responded positively to the announcement, applauding the government on this important first step and leaving the door open for further discussion at a later date.

2003: Other municipalities developed their own smoke-free by-laws:

- Counties of Inverness, Richmond, Antigonish and Victoria
- Towns of New Glasgow, Mulgrave, Port Hawkesbury and Antigonish
- Cape Breton Regional Municipality

Having municipal legislation stronger than provincial legislation put increased pressure on the provincial government, as businesses and residents demanded a level playing field, with one set of rules governing the entire province. SFNS and partners continued their advocacy efforts in support of a full ban, both at the provincial level and with the Halifax Regional Municipality.

2005: Nova Scotia's Community Health Boards endorsed their support of SF places legislation and with the assistance of SFNS, tabled a support petition of 12,362 signatures in the NS legislature.

2006: Nova Scotia amended the *Smoke-Free Public Places Act* making the province 100% smoke-free, effective in 2007.

Tobacco Access Act/Point-of-Sale (POS) Legislation: 1993 - 2007

1994: NS Liberal government passed tough tobacco sales to minors legislation, *Tobacco Access Act*, effective 1996.

Late 1990s to 2003: Much of the advocacy focus within NS was taken up with SF Places legislation. However, throughout this period, advocates laid the foundation for potential

future POS legislation, mentioning POS in position papers, policy and media statements and during meetings with supporters and government officials.

2003: SFNS identified SF Places and POS as main priority areas in a strategic planning session.

2004: SFNS developed a position paper on POS with partner agencies.

2005: SFNS conducted local research on tobacco industry tactics in local bars and restaurants and used the findings to develop a presentation that had a great deal of public impact—Nova Scotians were shocked at the presence of cigarette girls in bars and the subsidizing of ventilated smoking rooms and outdoor decks in Nova Scotian bars and restaurants.

2005 – 2006: Extensive advocacy efforts by the SFNS working group and member agencies continued on POS through the SFNS POS Working Group. On November 23, 2006, POS legislation was passed in the province as *Bill 62, Amendments to the Tobacco Access Act*, effective in 2007.

2. Nova Scotia's Journey: Lessons Learned

What can we learn from the implementation of tobacco reduction legislation in Nova Scotia? Here are ten key lessons on the journey to smoke-free legislation from the perspective of some of those involved—SFNS members, government bureaucrats and other partners.

Lesson 1: Embed smoke-free legislation/policy within a provincial tobacco strategy

The push for SF Places and POS legislation was enhanced by the development and implementation of Nova Scotia's comprehensive tobacco reduction strategy in 2001. The strategy was developed and implemented by the province through consultations with stakeholder committees and working groups, in which SFNS members played a key role.

This community development approach used by the province engaged local health coalitions and united the community around a comprehensive strategy and mission, building momentum for tobacco reduction. One of the core pillars developed as part of the Strategy was *Smoke-Free Legislation and Policy*. The strategy was funded and supported by government which meant all partners—SFNS, community advocates, health boards, politicians and bureaucrats—were working towards a common goal to implement all components, including acting on the *Smoke-Free Legislation and Policy* pillar.

Lesson 2: Build an effective, credible coalition

Strength from structure: SFNS is made up of representatives of member agencies with a vested interest in tobacco reduction, some of whom can carry out the work of the organization as part of their paid work responsibilities. In addition, members are sometimes able to draw upon additional resources within their sponsoring agencies and can extend networking via their own volunteer-base. The networking and sharing of

information by Tobacco Coordinators with local health coalitions and DHAs meant government heard a common voice advocating for legislation at all levels.

Strength in focus: In 2001, SFNS members chose advocacy to be their main area of focus and SF Places legislation and POS were identified as specific priorities in 2005. This allowed the organization to define advocacy messages around the main issues and served to rejuvenate SFNS membership by rallying them around a common goal. SFNS moved to a more effective governance structure by holding fewer meetings and forming issue-based working groups.

We became more action-oriented versus an organization for information-sharing. We also moved to having working groups that did the work on certain issues. The dynamics of the group changed. People respected the decisions of the working groups.
~Advocacy informant

Strength in credibility: SFNS is viewed as a credible agency partly because members represent credible organizations, such as the Canadian Cancer Society, Heart and Stroke Foundation and Lung Association, professional organizations such as Doctor's Nova Scotia, Nova Scotia Dental Association and local District Health Authorities as well as health staff like regional Tobacco Coordinators. SFNS has also been careful to approach their advocacy work with diplomacy, realizing the limitations inherent in political process and knowing when to accept less than optimal legislative arrangements temporarily before moving the agenda forward. They did not appear extreme or radical in their demands, and backed up their requests with credible research and the support of many credible partner organizations. The issue itself lends credibility to the cause. It is difficult to argue with public health messages to protect youth from ETS and to keep tobacco out of the hands of children.

Lesson 3: Base your work on evidence and research

SFNS and partners used the latest evidence on the effectiveness of SF Places and POS legislation and harm caused by ETS to support legislative advocacy. This evidence was shared and relevant findings incorporated in advocacy materials. SFNS members and partners then used this information in their advocacy and public education campaigns; it appeared in advocacy materials, such as position papers and fact sheets, and it formed the basis for educational presentations to community groups and government representatives. *The Cancer Society provided us with substantiated evidence. We could use it and create a strong position and it couldn't be refuted, couldn't disagree with it.*

~Advocacy informant

As well, local research findings on the extent of tobacco industry sponsorship and in Nova Scotians bars and restaurants shocked the public and won their support, shifting public perception to the tobacco industry as the enemy (versus making life hard for people who smoked), countered by a common force— advocates and government.

We used clear evidence and best practice then created a presentation showing the practical things that expose the involvement of the tobacco industry. This was an

easy-to-understand presentation. We did them with key stakeholders to garner support within their organizations—they had no idea this was going on. It really helped to show them the evidence. ~Advocacy informant

Lesson 4: Prepare to promote a positive, clear and consistent message

Develop and distribute easy-to-read advocacy materials that enhance awareness of the issue and are based on solid research. SFNS, for example, articulated their stance on SF Places and POS through two position papers. The information in these papers was used to develop easy-to-read fact sheets which were then distributed to media, politicians and the public as part of the advocacy campaigns. *We tried to keep all our materials clear and succinct. This was helpful.* ~Advocacy informant

Advocacy with government, the media and the public was enhanced by having a clear vision, supporting the vision with research then implementing well-organized, concise presentations, having credible partners and providing good information packages. It was important to respect the time constraints of politicians and recognize the many advocacy issues they are presented with daily.

I think people need to think of our time constraints and the huge number of presentations we have, all the time. It is a real case of information overload...Some of the information is complicated and you can only take in so much. Some are better able to focus, to get to their point and be direct. Some are too long and lengthy and we just can't take it all in. ~Political informant

As well, it was important to present the issues in a positive manner, focusing on the health benefits of SF Places and POS legislation.

You've got to understand how caucus thinks. They hate to take rights away from people and will only do that as a last resort. What resonated? ETS was proven to kill. This was then a decision not of personal choice but of a toxin affecting others. With this information, the dynamic changed. ~Political informant

The media is a powerful advocacy tool. SFNS cultivated good working relationships with the media, staging media-worthy events, such as the release of the *Tobacco Report Card*. SFNS media spokespeople were well-prepared, available and able to provide a consistent and credible message.

Lesson 5: Build positive and respectful relationships

Take the time to develop credible and respectful relationships with government bureaucrats, politicians, media and communities. One of the main reasons for the implementation of SF legislation in Nova Scotia is that all players worked to build and maintain positive relationships of trust and respect. Especially in a small province like Nova Scotia, good relationships are the key to success.

All this only happens when you build good relationships with people. You need to put the time and energy into those relationships. People good at relationships make all the difference.... These are also the people you see each day at the grocery store.
~Advocacy informant

Working from this perspective means an organization like SFNS is seen as reasonable and trustworthy. SFNS worked hard to share information and negotiate honestly for their position in a non-adversarial manner. This also meant being astute enough to know when to move forward versus when to put an issue aside temporarily in order to maintain credibility and positive relationships. *They were respectful enough to know when to back down. They wanted to move yardsticks but didn't mind if they couldn't be moved all at once.*
~Political informant

Working from a position of respect also means advocacy organizations like SFNS and SF Kings recognized and rewarded the positive legislative steps taken by government. *It's important to commend people for their success. They have shown leadership under tough situations.*
~Advocacy informants

Lesson 6: Mobilize resources, networks and partners

SFNS relied on the skills, resources and networks of its membership to support their legislative advocacy work. These agency members are seen as credible partners by government and their support of legislative issues adds integrity to the work.

It is important to keep in mind that many players, including SFNS, had a role in moving the legislative agenda forward. There were also many factors outside of direct lobbying.
~Advocacy informant

Government representatives need to see that an issue is supported at the grassroots, community level across the province. SFNS and others helped mobilize resources from across the province through the district Tobacco Coordinators, Community Health Boards, District Health Authorities as well as organizations who hadn't traditionally been involved, such as the Union of Nova Scotia Municipalities and local Chambers of Commerce. Many community organizations were already well-established as successful advocates for tobacco reduction policy, such as SF Kings and SF Cape Breton. These organizations worked with municipal government to move smoke-free legislation forward in their local areas. There was a two-way sharing of information and resources between these organizations and SFNS. All of this activity across the province helped to advance legislation.

Lesson 7: Implement strategic advocacy initiatives

Throughout the 1993 to 2006 period, SFNS members and partners carried out a range of advocacy initiatives, which included the following:

- formed working groups;
- learned from champions and informants;
- sent letters to and met with municipal councilors, MLAs, ministers, critics and researchers;

- mobilized others to write to and meet with MLAs and municipal councilors;
- partnered with local advocacy organizations;
- reached out to non-traditional partners, such as the Union of NS Municipalities and Nova Scotia Allergy and Environmental Health Association;
- developed position papers, circulated and promoted info-sheets based on research;
- presented the issues to MLAs, councilors and community groups;
- presented the findings of tobacco industry influence in NS to government and community groups;
- enabled and promoted public opinion poll results in favour of SF Places;
- enabled a Community Health Board survey;
- developed and promoted Tobacco Control Report Card;
- presented suggestions for legislative change to the law amendments committee;
- held public awareness events and Clear the Air workshops;
- developed and implemented a media campaign, including pamphlets, ads in the newspaper, letters to the editor, editorials, articles in member newsletters, POS postcards and Weedless Wednesday events.

SFNS had access to members who were media savvy and politically astute, enabling them to choose strategic interventions. For example, when they met with resistance provincially on SF Places legislation they focused attention at the municipal level. Across the province, municipalities became smoke-free. With this SF momentum, and with a patchwork of municipal SF legislation, the provincial government was spurred to action.

Lesson 8: Enlist the support of leaders and champions

It took a team of motivated and passionate people to move the legislative agenda for tobacco reduction forward. Leadership was shown by government bureaucrats and elected municipal and provincial officials, SFNS and other advocacy group members, health staff and local volunteers. The influence of leaders and champions from outside the province, such as Heather Crowe, also helped.

Leadership was shown by the government in establishing the Tobacco Control Unit and mobilizing anti-tobacco legislation in the early 1990s. Government leaders supported and forward-thinking bureaucrats implemented the comprehensive tobacco reduction strategy. In 2002 the province separated health promotion activities from the Department of Health by establishing the Office of Health Promotion (now the Department of Health Promotion and Protection). This positioned government ministers to champion the smoke-free legislative agenda.

Lesson 9: Context is crucial

Changes in the national and international climate around tobacco reduction were key to success. Fifteen years ago, tobacco reduction was a contentious issue and smoking was commonplace in all public places, even hospitals.

Point-of-sale was tabled in the NS legislature in 1992 but it didn't go through. In the early days, what we were doing was precedent-setting. We were the first province in Canada to get rid of vending machines. ~Advocacy informant

Since that time, tobacco reduction has moved to the forefront of the public health agenda—it is an idea whose time has come. This movement was aided by the dissemination of research on the economic and health costs of tobacco use and by a small, politically-savvy minority of national and international advocates exposing this information and the tactics of the tobacco industry.

As the tobacco control community expanded, sound information-sharing networks were developed. This was enabled by the advent of technology like the internet, so strategies and research reports could be easily shared electronically, and contact between advocates became more efficient. Many other provinces in Canada were advocating for legislation, and this gained momentum as a movement.

Nova Scotia's politics are divided on regional lines resulting in a three-way split of votes making majority government difficult. As a result, Nova Scotia has elected three minority governments in the past ten years—1998, 2003 and the current 2006 government. After years of advocacy, all three parties supported the concept of SF Places and POS legislation when introduced.

Lesson 10: Work with government

Advocacy groups and government can and do work together to create good legislation. Advocacy groups have access to essential information and evidence that is necessary for good public policy. Sharing that information appropriately can mobilize public opinion in support of legislation and enable government representatives to move legislation forward.