



Smokefree England 1 July 2007 - What it means for businesses

A law requiring smokefree environments in virtually all workplaces comes into effect 1 July 2007.

What workplaces will be covered?

The legislation covers *all workplaces, which are wholly or substantially enclosed, and used as a place of work by more than one person. Smoking rooms will no longer be allowed.* Essentially it ensures that almost all workers, regardless of their place of work, would be protected from the risks to health of exposure to tobacco smoke and guaranteed the right to smokefree air.

What does ‘*substantially enclosed*’ mean?

It is proposed that premises will be considered substantially enclosed if they have a ceiling or roof and the openings in the walls are less than half the perimeter of the walls. A roof includes any fixed or moveable structure or device e.g. retractable canvas awning, capable of covering all or part of the premises. Smoking will be allowed in shelters, which are not substantially enclosed.

What will the legislation mean in practice?

Employers, owners and managers must ensure their premises are smokefree. Proposed actions include putting up ‘no smoking’ signs which meet the following minimum standards:

- displayed at each public entrance to the premises
- in a position that is prominently visible to persons entering the premises
- are A5 (148mm by 210mm) in size
- include the international red “no-smoking” symbol and the words: “No smoking. It is against the law to smoke in these premises.”

Workplaces which already are smokefree must also display the mandatory signs.

What about vehicles?

Vehicles used at a workplace by more than one person, regardless if they are not in the vehicle at the same time, will also have to be smokefree at all times. This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks long after a cigarette has been stubbed out. All vehicles will need to display ‘no-smoking’ signs prominently.



Are there any exemptions?

Certain establishments where people live and which are also workplaces e.g. prison cells, hospices and long-stay residential homes will be exempt. However this does not mean that smoking will be allowed throughout the premises. Instead, employers will have to identify 'designated smoking rooms' which meet the following specifications:

- are completely enclosed, except for windows / doors, on all sides by solid floor to ceiling walls
- do not have a ventilation system that ventilates into any other smoke-free part of the premises
- if a door opens onto smokefree premises, it needs to close by mechanical means
- are clearly marked as a room in which smoking is permitted.

It is up to the management of individual buildings to decide if visitors will be allowed to access smoking rooms. The exemption exists for residents only and therefore should not be used by staff. There is no obligation for employers of exempt places to have 'smoking rooms' if they do not wish to do so.

What about entrances to buildings?

Outside areas are not covered by the legislation. However employers may want to consider making it a policy that smoking is not permitted within a certain distance from outside entrances, if possible, so that staff and visitors do not have to walk through a cloud of smoke to get into the building.

What are the penalties for non-compliance?

- Failure to display minimum no smoking signs: up to £1000 or £200 fixed penalty notice
- Smoking in a no-smoking place: up to £200 or a penalty notice of £50
- Failing to prevent smoking in a smoke-free place: up to £2500.

Do employers have to provide smoking breaks or outside smoking areas?

No on both counts. By law, employers must give staff an uninterrupted rest break of 20 minutes when their daily working time is more than six hours. Staff can, of course, smoke during their rest period, if they choose, but they must not smoke in an enclosed or partially enclosed area. As an employer you must decide whether or not to permit smoking elsewhere on your premises e.g. in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy. The TUC has published guidance on negotiating smokefree workplaces - see www.smokefreeaction.org

Is there help for staff to stop smoking?

The NHS offers a wide range of excellent, free and easily accessible support for smokers including local Stop Smoking Services, the Together Programme, the NHS Smoking Helpline on 0800 169 0169, www.gosmokefree.co.uk and nicotine replacement therapy (NRT) on prescription. Information about your local NHS Stop Smoking Service is found on our website www.smokefreeyh.org.uk

Can I get help to make my business smokefree?

Either log onto www.smokefreeengland.co.uk or phone the **Smokefree England Information Line 0800 169 1697** and register for the latest updates and FREE resources