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WORKPLACE SMOKING

From July 1st 2007 smoke free law will apply to virtually all 'enclosed' and 'substantially enclosed' public places and workplaces. This includes both temporary (building sites), permanent workplaces (offices, shops and warehouses) & temporary workplaces such as marquees.

Indoor smoking rooms in public places and workplaces will no longer be allowed.

Premises will be considered 'enclosed' if they have a ceiling or roof and except for doors, windows or passageways are enclosed either on a permanent or temporary basis.

Premises will be considered 'substantially enclosed' if they have a ceiling or roof, but have an opening in the walls, which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

In general all workplaces will therefore be affected.

Vehicles are to be smoke free environments as well, if they are used to transport members of the public and / or in the course of paid or voluntary work by more than one person - regardless of whether they are in the vehicle at the same time.

Employers, managers and those in charge of smoke free premises and vehicles will need to ensure the following.

Take away any indoor smoking rooms.

Provide suitable 'no smoking' signs in premises and / or vehicles.

That staff, customers, contractors and visitors are aware that premises and vehicles are legally required to be non smoking.

That no one smokes in smoke free premises or vehicles.

To assist you could consider the following actions.

- Remove ashtrays.
- Provide or offer staff training to help them understand the new law and what their responsibilities are.
- Provide or offer to your staff and customers with support to stop.

You should develop a suitable policy.

You should decide how to deal with non-compliance with any agreed policy and how the policy gels within your existing health and safety as well as any existing grievance and disciplinary procedures.

Currently there is no requirement to provide smoking shelters. If you have any existing area, you will need to ensure that it is not 'enclosed' or 'substantially enclosed' as defined previously.

It would be good practice, not to spend budgets creating places for smokers to congregate, as this could be viewed as encouraging the habit. It may be contrary to your stated policy.

The Local Authorities will be the agency responsible for enforcing the requirements. However, you should consider how it may impact with your current fire control strategy.

According to statistics around seventy per cent of smokers want to cease smoking, and the new requirements could provide extra motivation to do so. If you'd like to help your staff and customers to become non-smokers, contact the local NHS. They provide support including the local NHS Stop Smoking Services and the Together programme. Employers can speak to their local NHS Stop Smoking Services about support for their employees during or outside working hours.

New guidance from the National Institute for Health and Clinical Excellence (NICE) will advise employers on how to help employees stop smoking.

Visit www.nice.org.uk.



With acknowledgement to
www.smokefreeengland.co.uk.

Smoke free policies

Should be simple and to the point and easily understood.

Should explain the reasons for the policy.

Should acknowledge the right of employees to work in a smoke free environment.

Should make reference to the relevant legislation;

Should state that the policy applies to all employees workers as well as to visitors and customers.

Should identify where smoking is / is not permitted

Should identify the members of management and staff who have responsibility for the implementation of the policy.

Should state how the organisation will deal with non-compliance

Should provide information on how to obtain help to quit smoking.

Should include consultation with members of staff.

Must be communicated to all members of staff (including new employees before they start work).

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