



Smoke Free Rochdale Borough

Workplace Toolkit
2006/7

A guide to help businesses become Smoke Free



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Smoke Free- What do we mean?

By using the term 'smoke free' we literally mean a 100% smoke free environment. We mean not allowing smoking anywhere in your building.

Second-hand smoke is other people's tobacco smoke, which is also known as passive smoking.

The Proposed Government Legislation

The medical and scientific evidence of the risks to health from exposure to secondhand smoke is well established. Through the Choosing Health White Paper, the Government set out a clear strategy to tackle smoking, as well as the effects of smoking on others. A key aspect of the strategy is to shift the balance significantly in favour of smoke free places to reduce exposure to secondhand smoke.

The Government have proposed to implement comprehensive legislation under the Health Bill that will require all enclosed or substantially enclosed public places and workplaces to be completely smoke free, including offices, shops, pubs, restaurants, café's, private members clubs, etc. The law is expected to come into force in the summer of 2007.

Once the smoke free legislation is introduced, it will be an offence for anyone to smoke in an enclosed or substantially enclosed workplace or public place, and will be subject to a fixed penalty fine. In addition any person in control or managing a business will also be guilty of an offence for permitting smoking on the premises. There will be a further offence for the person in control of a business for failing to display the correct no smoking signs.

Although the Government has not yet finalised all the details of the legislation, this toolkit takes into account the latest information available at going to press and provides advice that is likely to comply with the proposed legislation. A draft version of the regulations has been published and is out for consultation. You can view the draft at:

www.dh.gov.uk/Consultations/LiveConsultations

In the meantime there is still a legal duty for all employers to take necessary measures to protect the health of people.

The Proposed Exemptions

Under the proposed Smoke Free Regulations, a number of exemptions are given for the following types of premises. This means that with the exception of private accommodation, smoking will not be allowed in most parts of the premises, but the exemptions will allow for designated smoking rooms to be provided.

Private accommodation- The government has no intention to make private residential space smoke-free. Unless any part of the accommodation is used solely as a place of work, it will be the decision of the person who lives in the premises as to whether people are allowed to smoke. However, it is recognised that there are instances where people have to visit a residential property to do their job. Guidance is available on how to reduce staff exposure to second hand smoke in these circumstances. For example, workers have the right to ask, not tell, someone not to smoke when they are providing a service to them in their own home. We are confident that those receiving a service will respect that.

Communal parts of residential premises, for example indoor stairwells or corridors in blocks of flats, will be required to be smoke free.

Accommodation for guests and club members- The proposed Regulations will allow for designated bedroom/s in hotels, guest houses, inns, hostels or members clubs. In such instances the designated smoking room must be exclusively for sleeping accommodation.

Other residential accommodation- Residential accommodation used for persons aged 18 years and over will not have to be smoke-free in the following premises; care homes, hospices, mental health units providing long term health care, prisons.

In both accommodation for guests and other residential accommodation, there is no requirement under the proposed regulations for premises that are entitled to exemptions to provide designated smoking rooms.

Other exemptions- The proposed legislation contains other exemptions which apply to; Performers, Specialist tobacconists, Offshore platforms, Research and testing facilities.

****Guidance Note for Designated smoking rooms within residential accommodation***

A designated smoking room must be completely enclosed and must not ventilate into any other smoke free part of the premises.

Any doors that open into the smoke-free premises must be mechanically closed immediately after use. Any room in which smoking is permitted must be clearly marked as a smoking room.

Other exemptions within the regulations apply to;
Performers, Specialist tobacconists, Offshore platforms, Research and testing facilities.

Smoking- What do we mean?

The smoke-free provisions within the proposed legislation relate to smoking of tobacco or anything that contains tobacco, or smoking any other substance, including manufactured cigarettes, hand-rolled cigarettes, pipes and cigars. The legislation also proposes to include the smoking of waterpipes (shisha, hookah, hubble-bubble). Using any substance in a form in which it could be smoked such as herbal and tobacco-free alternatives is included in proposed legislation.

Why? The benefits of going smoke free

Going smoke free has both commercial and health benefits and makes good business sense.

It is clear that removing second-hand smoke from the workplace has positive health effects for staff and customers. It is estimated that second-hand smoke alone causes at least 12,000 deaths in Britain each year and 620 people die each year because of exposure to second-hand smoke at work.

Second-hand smoke can lead to heart disease, lung cancer, vascular disease, respiratory problems and can make illnesses such as asthma worse. The effects on children are more serious because their bodies are still developing.

Babies exposed to second hand smoke have a higher risk of cot death and Children suffer more asthma attacks and chest infections. Research also suggests that there is a link between second-hand smoke and meningitis.

Some of the benefits of going smoke free include:

- *Reduced risk of sickness absenteeism*
- *Protection of non-smokers from the harmful effects of second hand smoke, especially people with asthma and pregnant women*
- *Reduced risk of litigation.*
- *Reduced cleaning and redecorating costs.*
- *Reduced risk of fires and potential reduction in insurance premiums.*
- *Increased productivity- no hidden smoke breaks! The average smoker takes an equivalent of 5 hours of work per week in smoke breaks.*
- *Improved Morale as it demonstrates the importance of a healthy workplace.*

- *Clean air- 85% of cigarette smoke goes straight into the air for others to breathe.*
- *You will be complying with your legal obligations to protect the health of employees and customers*
- *Attract more customers- the majority of the population do not smoke and prefer smoke free venues.*

How? Advice to help you go smoke free

A written smoke free policy is a useful tool to help you go smoke free. It can inform employees and visitors of the smoke free status of your business.

Preparation is extremely important to the success of a smoke free policy. Everyone needs to understand why the policy is being introduced and its benefits. Implementation should be done in stages and as openly as possible.

Five steps to a smoke free policy

STEP 1

Think! about who to involve and what you want to achieve

- Bring together key personnel and appoint someone to oversee the process.
- Consider the needs and wishes of employees and customers
- Remember that going smoke free is not about whether people smoke but where they smoke
- Circulate some key facts about smoking policies and promote the benefits of going smoke free
- Draw up an action plan with timescales for implementation

STEP 2

Write! a draft policy

- You may find it helpful to use the model policy within this document as a template.
- Circulate the draft policy to staff members and consult with them
- At this stage, think about the practical implications for implementing the policy (E.g. In most cases you will need planning permission to erect outdoor structures, think about signage, consider smoke detectors, etc)
- Decide who is responsible for enforcing the policy
- Determine how to deal with staff and/or customers who do not follow the policy
- Train staff in advance of the launch

STEP 3

Launch! the policy

- Announce the new policy and the date it will start
- Notify employees in advance
- Notify customers in advance
- Consider providing information and support for workers who may wish to stop smoking
- Countdown to the official launch to ensure that everyone and everything is ready in good time.
- Send reminders to staff two weeks before its introduction.

STEP 4

Implement! the policy and make it happen

- Put up appropriate no smoking signs throughout the premises in prominent positions
- Display signs which direct people to areas where they can smoke if appropriate
- Display the policy in a prominent position(s)
- Bring the policy to the attention of all staff, customers and visitors
- Incorporate the policy into your company procedures

STEP 5

Review! the policy periodically

- Review the policy periodically and ensure that it is working
- Address any concerns raised or identified

Smoke Free Policy

Purpose

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

This policy aims to help us to comply with the law and protect the health of everyone.

Policy

It is the policy of INSERT BUSINESS NAME that all of our workplaces *and work vehicles are smoke free and all employees have a right to work in a smoke free environment. The policy shall come into effect on INSERT DATE and will be reviewed on INSERT DATE by INSERT NAME OR DESIGNATION.

Smoking is prohibited throughout the entire enclosed workplace with no exceptions. *This includes all entrances, *exits and *the policy also extends to grounds *and company vehicles. (* DELETE AS APPROPRIATE)

ANY EXTERNAL AREAS WHERE SMOKING IS PERMITTED SHOULD BE STATED HERE IF APPROPRIATE.

Implementation

Overall responsibility for policy implementation and review rests with The Managing Director, Manager, Person in control of the Premises.

All staff, customers, visitors and contractors are obliged to adhere to, and facilitate the implementation of the policy.

The person responsible for implementing this policy shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. All new personnel will be given a copy of the policy on recruitment/ induction.

Appropriate 'No smoking' signs will be clearly displayed at the entrances to and within the premises.

Non-compliance

Any breach of this policy will be dealt with in accordance with our normal disciplinary proceedings. Any customer, visitor or other person who does not comply with this policy will be dealt with in the following way:

DETAIL HOW YOU WILL DEAL WITH CUSTOMERS VISITORS OR OTHER PERSONS WHO DO NOT COMPLY, e.g. ask them to stop smoking, if they do not co-operate, refuse to serve them and ask them to leave.

Stop Smoking Support

Any smokers who want to stop smoking should contact the local NHS Stop Smoking Service on 01706 708000 or your GP Surgery.

Do it now! Whilst there is time to get it right

Why Wait- Think Now- BE PREPARED!

If you currently allow smoking within your workplace you are exposing people to health risks. It will be easier for you to comply with the new law if you start to take action now. There is currently time to enable you to gradually introduce a smoke free policy.

We are encouraging businesses to think about going smoke free and prepare for the legislation. This will enable them to carefully plan and implement the policy whilst there is still time. There are lots of things that you need to consider to make it work and it makes business sense to take advantage of the information contained in this guidance before it becomes a requirement.

Not taking action now could cause confusion with customers and staff and could leave employers facing legal action for failing to comply with new legislation.

Licensed Premises- If you are a pub, club or restaurant you will need to carefully plan how you propose to become smoke free so that both staff and customers become used to the idea. Think about using a phased approach to becoming smoke free whilst time is on your side. Consider stopping smoking at the bar initially followed by going 50% smoke free (and gradually increasing it) so that customers get used to the idea because when the law comes into effect, you will have to become 100% smoke free. Display notices to inform customers that the premise is soon to be a smoke free venue. A number of posters have been included in this pack.

Smokefree legislation is good for business and good for health. There is no need to wait for the Health Act to come into force.

Reasons why you should act now!

- Effective smoking policies take time to develop.
- Employees and customers will appreciate gradual preparation for new legislation.
- Staff and customers will expect you to comply with new legislation.
- You will be seen as a proactive and professional employer.
- Health and safety regulations still apply and you have a duty to protect the health of your workforce.
- The legislation is not finalised yet and health damage is being caused now as a result of exposure to second hand smoke.
- Do it now and get it right

Let us know

If you are a business that intends to go smoke free ahead of the legislation or if you have already gone smoke free, we want to hear from you. There may be an opportunity for you to register your business or for you to qualify for an award in recognition of your efforts.

Support for stopping smoking

Going smoke free does not only protect non-smokers from the effects of second-hand smoke but it also protects smokers. It may also help to encourage existing smokers to quit and will discourage young people from starting to smoke.

For people who want to stop smoking, help is available:

Get help to quit smoking

Smokers are four times as likely to quit by using medication such as Nicotine Replacement Therapy (NTR e.g. patches, gum) in conjunction with support from NHS Stop Smoking Services or a trained health professional, compared with using will power alone.

Smokers wishing to give up can call the NHS Stop Smoking Helpline on 0800 169 0 169 or the local Stop Smoking Service on 01706 708 000 between 10.00am and 2.00pm. Support is also available through most GP Practices and pharmacies. Alternatively you can visit www.givingupsmoking.co.uk.

Frequently asked questions

Will the new law affect my business premises?

If your premises are caught by the smoke-free law, you, your staff, customers and visitors will not be allowed to smoke in the enclosed or substantially enclosed areas of your premises. Most business premises will be affected, including, offices, shops, café's, pubs, private members club, etc. Only limited exemptions are proposed and these are in relation to residential accommodation.

When will a ban on smoking in enclosed workplaces and public places come into force in England?

At the time of this document going to press, an implementation date for UK legislation banning smoking had not been decided. However the Government has said that the legislation will be in by summer 2007, and may even be as soon as 31st May 2007.

What is meant by enclosed or substantially enclosed?

The draft regulations, which are currently out for consultation, have proposed the following definitions:

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

Premises will be considered substantially enclosed if the structure has a roof or ceiling but the openings in the walls are less than half of the total area of the walls. However, when determining this no account can be taken of doors and windows that can be open and closed.

Do I have to provide an outdoor smoking area for staff or customers?

No. But if you do you must consider the following

In most cases you will need planning permission to erect a structure or a covered enclosure for people to smoke in. You should contact the Development Control section of the Council to discuss your proposals before

erecting any structure or covered enclosure.

Development Control
Planning and Regulation Service
Telegraph House
Baillie Street
Rochdale
OL16 1JH

Tel: 01706 924134

If you want to erect a structure or a covered enclosure on either the highway or on a footpath, you may also need consent from the Council. You should contact the Network Development Section

Network Development - Highways & Engineering Service
Floor 3, Municipal Offices
Smith Street
Rochdale
OL16 1LQ

Tel: 01706 924611

Remember obtaining planning approval can take some time – so plan ahead. If you are considering an outdoor covered area for people to smoke in, do not wait until the smoke free law is introduced. Make enquiries well in advance and seek the correct approval so you are prepared. Any structures erected without the correct permission / consent may have to be removed.

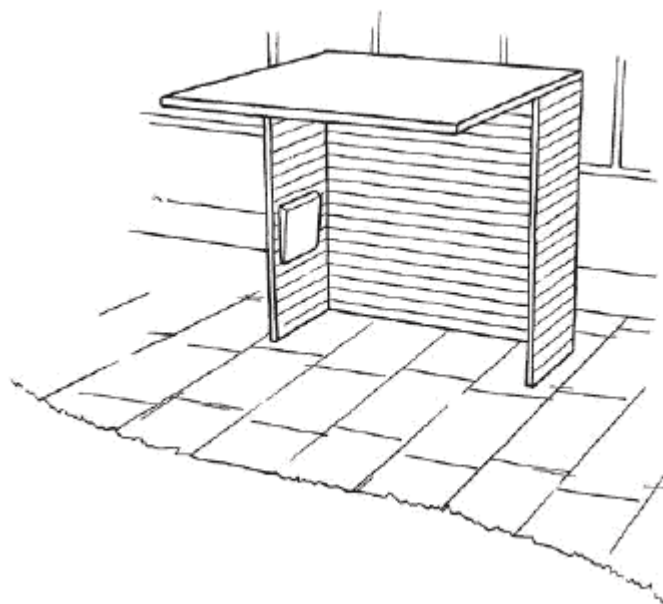
What type of shelter can I provide for smoking?

A shelter which would be permitted under the proposed law could be one with a roof or ceiling as long there are openings in the wall which are more than half of the total area of the walls. A canopy or umbrella would be acceptable under the proposed law.

If you choose to provide a shelter(s) you should also consider the following:

- The location of the shelter should preferably be located away from entrances and exits and opening windows so that other people are not affected by smoke drift.
- You will need planning permission in most cases
- Think about fire safety
- Provide cigarette bins to reduce the problem of street litter and remember to empty them.

Example smoking shelter



Who will be responsible for emptying the cigarette bins?

If the bins are on your land, it will be your responsibility to empty them. If the bins are on the public highway, the Council will be responsible for emptying them.

What will happen if cigarette ends are dropped on the floor outdoors?

Individuals could receive a fixed penalty fine. As the manager of the premises you have a duty of care to prevent litter and to clear up after customers.

Do I have to make my company vehicles smoke free?

Yes when the law comes into force. It is proposed that the legislation will require that vehicles used for the purpose of work must be smoke free, if they are used to transport members of the public or are used for work by more than one person, and not necessarily at the same time.

If you are going smoke free ahead of the legislation it is strongly recommended that you include vehicles in your policy. People in vehicles are particularly at risk from second hand smoke because of the confined space. Opening a window brings air into the vehicle and is not effective at removing smoke and cleaning the air.

I am a mini cab driver; can I smoke in my vehicle if I don't have any passengers?

No, under the proposal all vehicles used for public transport will be required to be smoke free at all times.

Can I smoke in my privately owned vehicle?

It is not proposed that smoke free legislation will apply to privately owned vehicles.

Do the grounds near to the workplace need to be smoke free?

No. However there is a good case for making grounds smoke free.

Visitors may have to walk through smoke to get into your building if people who smoke accumulate around entrances.

Smoke can also drift through doors and open windows thereby continuing the health hazard

Smoking in the grounds can provide a poor impression to visitors to your business.

What is second-hand tobacco smoke?

Second hand smoke consists of the smoke from the burning tip of a cigarette and the smoke exhaled from a smoker. Second hand smoke is a potent cocktail of more than 4000 chemicals, including at least 40 known to cause cancer such as benzene and arsenic. Second hand smoke contains higher levels of many of these carcinogens compared with the mainstream smoke inhaled by the smoker.

The evidence that exposure to other people's smoke is dangerous to health is now incontrovertible. It has been confirmed by the Government's Chief Medical Officer (CMO) Sir Liam Donaldson, as well as by the heads of all of Britain's thirteen Royal Colleges of Medicine and many others.

In addition to the discomfort caused by short term exposure to secondhand tobacco smoke also has a measurable effect on the heart in non-smokers. Just 30 minutes of breathing secondhand smoke is enough to reduce coronary blood flow and affects blood and blood vessels nearly as much as being a one pack a day smoker.

In addition people who are exposed to secondhand smoke over a period of time have an increased risk of a range of smoking-related diseases, including heart disease and lung cancer.

What if I improve the ventilation in my business and allow smoking?

When the legislation comes into force you will still need to be smoke free. Ventilation systems may improve comfort by removing the smell and visible particulates of tobacco smoke, but it does not remove the dangers. Just because the air is not visibly smoky does not mean it is safe.

For ventilation to have any significant effect on the levels of cancer causing particulates and gases in tobacco smoke, it would need to be of tornado or wind tunnel like strength.

Can I provide or keep my smoking room?

No. Under the proposal all enclosed rooms must be smoke free. Even if all your employees smoke it is not permitted under the proposed law because the law is intended to protect both smokers and non-smokers from second hand smoke.

Is a written smoke free policy necessary?

A written smoke free policy is a useful tool to help you comply with the law. It is not specifically required under the proposal. You must comply with the regulations by making all enclosed/ substantially enclosed areas smoke free. It is strongly recommended that all businesses have a written smoke free policy. A smoking policy sets out responsibilities and ensures that everyone is clear about when and where they can or can't smoke. Without a policy, a business cannot easily demonstrate their arrangements for complying with the law.

What should I do if someone refuses to stop smoking on my premises?

You should follow your standard procedures as you would in other situations where a customer was behaving in an unacceptable and uncooperative manner.

When the legislation is in force, you may find the following helpful for dealing with customers that smoke:

- Draw attention to 'no smoking' signs and inform them that it is an offence to smoke on the premises.
- State the purpose of the smoke free requirements (law and to protect from second hand smoke)
- If smoking continues refuse service and ask to leave the premises
- If the person is non-cooperative- use the usual procedure for disruptive customers
- If abusive or violent- call the Police
- Record the event

Staff should be appropriately trained in the above.

My workplace is already smoke free, do I need to do anything?

You will need to provide no smoking signs as required by the proposed law. The details of what the signs are to contain and their size are yet to be finalised by the Government.

Will the Government be issuing guidance?

Yes the Government have committed to providing resources to assist businesses once the legislation has been approved by Parliament.

When will we know when the proposed legislation will be implemented?

The Government has said that smoke free legislation will come into force in summer 2007 and will make an announcement about the actual implementation date in the near future.

Will there be a requirement for signage in smoke free areas?

Yes. All premises and vehicles that are required to be smoke free will have to display signs. Further detail of this will be contained in the legislation once it has been approved.

Where will the signage be available from?

The Government has committed to making signage available in the lead up to the law coming into force. It will be the responsibility of the management to ensure that signage meets the requirements of the law.

Where can I get help and advice to help me comply?

**Planning and Regulation Services
Environmental Health & Licensing Service
Telegraph House
Baillie St
Rochdale
OL16 1JH**

Tel 01706 924225

Smoke Free England- Information Line: Freephone 0800 169 1697

Further Information

The following websites also provide useful information:

www.smokefreeengland.co.uk

www.rochdale.gov.uk

www.ash.org.uk

www.cleanairaward.org.uk

www.clearingtheairscotland.com

www.smokefreeaction.org.uk/gosmokefreeearly

Checklist for a smoke free workplace

ITEM	Completed ✓
Positive commitment to becoming smoke free	
Key personnel brought together (management/ union representative/ employees)	
Draft policy prepared relevant to staff, customers & contractors	
Draft policy circulated to staff	
Action plan drawn up with timescales for introduction of the policy	
Policy content agreed	
Staff trained on the implementation of the policy (how to deal with people smoking on the premises)	
Nominate key personnel to be responsible for the implementation of the policy	
Announce the implementation date to staff	
Display posters in advance of the policy to inform customers in advance	
Implement the policy- make it work!	
Display copies of the policy in prominent positions around the workplace	
Remove ash trays, display no smoking signs & provide bins in any designated outdoor smoking areas	
Set a review date to ensure that it is working and address any issues or concerns identified	