



**RUSSELL**  
PERSONNEL & TRAINING

## **Ten Things Every Employer Should Know About The Smoke Free Legislation**

# Ten Things Every Employer Should Know About The Smoke Free Legislation

1. The Health Act 2006 comes into force on 1<sup>st</sup> July 2006.
2. It places two main responsibilities on business owners. Anyone responsible for any public space, for example, a village hall or workplace, will have to ensure that from 1st July 2007:
  - “no smoking” signs are placed in a prominent position at each entrance to the premises;
  - employees or the public do not smoke in smoke free premises;
3. Vehicles used as part of a business are included in the legislation, but this only applies to enclosed vehicles used by more than one person.

Vehicles that are used primarily for private purposes will not be required to be smoke free.

4. Employers will have to display easy-to-read “no smoking” signs at the each entrance to their buildings. Vehicles must display at least one prominent “no smoking sign” in each compartment. Steps must be taken to ensure that employees or the public do not smoke in smoke free vehicles.
5. The signs displayed must be A5 size, show the international no-smoking symbol with a diameter of at least 70mm and contain the words “no smoking. It is against the law to smoke in these premises”. The penalty is £200 for failing to display a notice.

A smaller sign consisting of the international no-smoking symbol at least 70mm in diameter may instead be displayed at entrances to smoke free premises that are:

- only used by members of staff, providing the premises displays at least one A5 area sign, or
  - located within larger smokefree premises, such as a shop within an indoor shopping centre.
6. The Act requires almost all “enclosed” or “substantially enclosed” public places and workplaces, including offices, factories, shops, pubs, bars, restaurants, membership clubs and public transport to become smoke free environments.

“Enclosed” premises means a roof and a perimeter completely enclosed by walls. Exclude doors, windows or passageways from the calculation. If something can be closed, consider it to be closed. “Substantially enclosed” is a roof, plus a perimeter where the opening in the walls represents 50% or less of the total wall area (known as the 50% rule). It includes temporary structures, such as tents. A “roof” includes fixed or movable structures that

can cover all or part of the premises as roof, including canvas awnings. Again, if it can be enclosed, it will be considered to be enclosed.

7. Introduce a “no smoking policy”. Your policy should:

- explain the reasons for the policy;
- acknowledge the right of employees to work in a smoke free environment;
- make reference to the relevant smoke free legislation;
- states that the policy applies to workers at all levels as well as to visitors and customers;
- identify where smoking is/is not permitted;
- identify the members of management and staff who have responsibility for the implementation of the policy;
- state how the organisation will deal with non-compliance;
- provide information on how to obtain help to quit smoking;
- include a consultation with members of staff;
- be communicated to all members of staff (including new employees before they start work).

8. There is no requirement to provide smoking shelters. It is common for health-focused employers not to spend money creating places for smokers to congregate. If you do have an outside smoking shelter or area, you will need to be sure that it is not 'enclosed' or 'substantially enclosed' as defined by the new law.

9. Local councils will be responsible for enforcing the new law. Advise staff, customers and visitors that your premises and vehicles are smoke free and ensure they don't breach the rule. A person found smoking in a smoke free area can be fined £50. If a business does not take reasonable actions to prevent smoking in a smoke free place it can be fined up to £2500.

10. Update your staff handbook and visitor literature, use disciplinary procedures and ask visitors to leave if the policy is breached. Let your staff and customers know where they can smoke if they choose.

June 2007

**For more information about the smokefree legislation contact us:**

**T**    **0845 644 8955**  
**F**    **0845 644 8944**  
**E**    **[info@russell-personnel.com](mailto:info@russell-personnel.com)**  
**W**    **[www.russell-personnel.com](http://www.russell-personnel.com)**

Every effort has been made to ensure that the content of this checklist is accurate. No responsibility will be accepted for any inaccuracies found. It should not be taken as a definitive guide or as a stand-alone document on all aspects of employment law.