

Smoking in the Workplace

Understanding the Risk

Smoking remains a major cause of fires in industrial and commercial premises.

According to figures compiled by the Fire Protection Association of fires occurring as a result of smoking materials for the period 2009-2016, there were 241 fire related to smoking, with an estimated loss in excess of £250,000 resulted in an overall loss of above £20 million.

In countries where smoking is allowed, there are still 'high risk' areas where smoking should not be permitted under any circumstances due to the increased risk of fire. These areas include but are not limited to the following:

- Flammable liquid or gas storage areas
- Explosive dust atmospheres
- Maintenance workshops and site rooms
- Computer and telecommunications rooms
- Process control rooms
- Electrical intake rooms
- Warehousing and storage areas

However it has been noted that there has been a decrease in the number of cases in countries with legislation banning smoking in the workplace.

Since 1st July 2007, The Smoke-free (Premises and Enforcement) Regulations 2006 makes it against the law to smoke in virtually all 'enclosed' and 'substantially enclosed' public places and workplaces in the United Kingdom. This includes both permanent structures and temporary ones.

There are some minor differences in the legislation applicable to the different parts of the UK, although the intentions are much the same.

Employers are under no legal obligation to provide any although some may choose to provide a facility, for example an external smoking shelter.

It also means that indoor smoking rooms in public places and workplaces are no longer allowed.



However there are some exemptions:-

- Hotels, hostels and guest houses
- Private members' clubs
- Care homes
- Hospices
- Adult residential mental health facilities

But the exemptions do not apply to:

- Communal areas
- Clubs and licensed premises
- Dormitories
- Private residential accommodation used as a workplace

Management must be aware that despite legislation being in force to stop smoking in the workplace, staff and visitors may well continue to smoke illicitly which will increase the fire hazard.

Smoking control is not just about relying on legislation or providing designated external smoking facilities. There should also be a strong commitment from management to enforce and monitor the proper use of these smoking facilities by its employees and outside visitors.

Penalties and Fines

The penalties for non compliance can vary according to the legislation applicable in each part of the United Kingdom.

A person smoking in the workplace can typically expect a £50 fixed penalty notice (but this could be increased to £200 if the person was prosecuted and convicted by a court).

Failure to display no-smoking signs can also result in a fixed penalty notice of £200, although this can be reduced to £150 if paid within 15 days.

The fixed penalty is imposed on whoever manages the smoke free premises or vehicle. This fine could be increased to £1,000 if prosecuted and convicted by a court.

Failure to prevent smoking in a smoke-free place could result in a maximum fine of £2,500; again this is imposed on whoever manages or controls the smoke-free premises or vehicle if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

Signage

As part of the legislation 'No-smoking' signs must be displayed in all smoke-free premises and vehicles.

Signs help to make it clear which premises and vehicles are smoke-free and demonstrate that you are taking the necessary steps to meet the requirements of the law.

Appropriate no-smoking signs must be displayed in a prominent position at every entrance to smoke-free premises.

These must meet the following minimum requirements:

- be a minimum of A5 in area (210mm x 148mm)
- display the international no-smoking symbol, which consists solely of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70mm in diameter with a red bar across it
- carry the following words in characters that can be easily read: 'No smoking. It is against the law to smoke in these premises'

A smaller sign consisting of the international no-smoking symbol at least 70mm in diameter may be displayed instead 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 a larger smoke-free premises, such as a shop within an indoor shopping centre

Smoke Free Policy

To ensure employees are aware of the legislation and changes made to your workplace you may wish to consider developing a written smoke-free policy.

Effective policies include the following points:

- concise and simple to understand
- explain the reasons for the policy
- acknowledge the right of employees to work in a smoke-free environment
- refer to relevant smoke-free legislation
- state policy applies to all workers and visitors
- identify where smoking is/is not permitted
- identify staff responsible for the implementation of the policy
- how the organization will deal with non compliance
- provide help and information to staff members who wish to quit smoking
- staff consultation

Essentials for a Smoke Free Workplace

- Create awareness about why smoking is not allowed
- Smoking regulations should be location specific
- Designated areas should be clearly marked by appropriate signage
- The rules must apply to everyone entering the premises
- Management must provide a strong commitment to enforcing and monitoring the no smoking rules
- Provide a safe and clearly marked area for smokers, preferably well away from the building
- Provide adequate number of suitable receptacles for the safe disposal of smoking materials
- Establish and enforce disciplinary actions for staff not adhering to the rules

Discipline

Staff should be made aware that smoking in areas where they are banned will constitute a breach of the no smoking rule and be subject to disciplinary action.

Support

Research undertaken by the NHS indicates you are up to four times more likely to succeed if NHS support mechanisms are utilized.

There is a range of support and advice available and these can be accessed by visiting many of the websites, some of which are detailed below:

Department of Health: www.dh.gov.uk

Smokefree England: www.smokefreeengland.co.uk

Smoking Ban Wales: www.smokingbanwales.co.uk

NHS Smoke free: <https://www.nhs.uk/smokefree>

NHS Smoking Helpline on 0800 169 0 169

www.aig.co.uk

BELFAST

Forsyth House
Cromac Square
Belfast BT2 8LA
Tel: 02890 726002
Fax: 02890 726085

CROYDON

2-8 Altyre Road
Croydon, Surrey CR9 2LG
Tel: 020 8681 2556
Fax: 020 8680 7158

LEEDS

5th Floor Gallery House
123-131 The Headrow
Leeds LS1 5RD
Tel: 0113 242 1177
Fax: 0113 242 1746

MANCHESTER

4th Floor, 201 Deansgate
Manchester M3 3NW
Tel: 0161 832 8521
Fax: 0161 832 0149

BIRMINGHAM

Embassy House
60 Church Street
Birmingham B3 2DJ
Tel: 0121 236 9471
Fax: 0121 233 3597

GLASGOW

Centenary House
69 Wellington Street
Glasgow G2 6HJ
Tel: 0141 303 4400
Fax: 0141 303 4440

LONDON

58 Fenchurch Street
London EC3M 4AB
Tel: 020 7954 7000
Fax: 020 7954 7001

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