Compliance with and enforcement of smoke-free legislation
What are the primary concerns?

- That institutions will not implement the law properly or in good faith
- That institutions and people will not comply with the law
- That the law will be unpopular and unsustainable

These are valid concerns, but a little planning can help prevent them from becoming reality
Successful enforcement relies on other successful components

- A well-drafted law
- Public awareness, built in advance through earned and sometimes paid media
  - rationale for the law (to protect workers’ health)
  - what the law says (how and where it protects the public)
  - when the law comes into effect
  - encouragement to comply with and support the law
- Political support for the law, its implementation and its enforcement

90% of enforcement success!
For proper enforcement you also need

- Understanding among institutions of the law and of their responsibilities
- Effective, fair and simple enforcement mechanisms
- Defined enforcement protocols and procedures
- Trained, knowledgeable and supported enforcement officers
- A simple mechanism for the public to report complaints
- Publicizing of enforcement efforts
- Resources
Institutional awareness of obligations and responsibilities

- A public education campaign helps; this should be part of the communication campaign.
- Meetings with key business associations, trade unions, and institutional management (such as government operations managers).
- Tailored and targeted materials:
  - summarizing the law
  - providing signs and sample communications to customers and employees
  - clearly outlining institutional management responsibilities and enforcement mechanisms
Smokefree England website

Smokefree England – all about the smokefree legislation on 1st July 2007

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Why smokefree? What do I do? Smokefree world The latest

A healthier England from July 1st 2007

On July 1st 2007, England introduced a new law to make virtually all enclosed public places and workplaces in England smokefree. A smokefree England ensures a healthier environment, so everyone can socialise, relax, travel, shop and work free from secondhand smoke.

This website provides you with information about the legislation and lets you know how you can play an important part in maintaining a smokefree England.

Members of the public who wish to report a breach of the new law should call 0800 587 1667.

More about compliance

Latest situation
View the latest data showing levels of awareness, support and compliance with the smokefree law.

England is now smokefree
Enjoy the smokefree life

What do I do for a smokefree England?

Guidance and signage
Download guidance and signage to help you comply with the new smokefree law.

Sale of tobacco
From 1st October 2007 it became illegal to sell tobacco products to anyone under the age of 18.

At a glance
Smokfree regulations
Quick guide
Smokefree Compliance Line
Stop smoking advice (new window)

Visit www.gosmokefree.co.uk
Guidance and no-smoking signage

Guidance
No-smoking signage
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Guidance

Official guide to the smokefree law

The official 'Everything you need' guide to the new smokefree law is available to download below. This is the official Government guidance and explains everything businesses and organisations need to know about the new smokefree law. This booklet was also included in the full guidance pack mailed to businesses back in April.

'Everything you need' guidance (PDF, 3MB)
'Everything you need' guidance - more accessible version (PDF, 5.4MB)

Please note the more accessible PDF requires the latest version of Adobe Reader. Download the latest version of Adobe Reader here (new window).

The 'Everything you need' guidance is also available in the following languages:

Arabic (PDF, 998KB)
Bengali (PDF, 1,1MB)
Classical Chinese (PDF, 1,3MB)
Gujarati (PDF, 1MB)

MP3 'audio book' version

Handy guide for businesses

In addition, the government has also produced a leaflet to explain what the law means to businesses.

Your guide to the new smokefree law (for businesses) (PDF, 532KB)
No-smoking signage

All smokefree premises and vehicles need to display no-smoking signs that meet the requirements of the law. No-smoking signs make it clear which premises and vehicles are smokefree and demonstrate that you are taking the necessary steps to meet the requirements of the new smokefree law. For further details see the guidance documents above. You can download and print compliant no-smoking signs below.

NB: It is possible that your printer may automatically resize the following images. Make sure that your 'page scaling' printer setting is set to 'none' and check that the printed format meets the criteria.

The international no-smoking symbol in both signs must be at least 70mm in diameter. This symbol consists solely of a graphic representation of a single burning cigarette enclosed in a red circle with a red bar across it.

A5 no-smoking sign for smokefree premises (PDF, 50KB)

Smokefree premises sign must be at least A5 in area (210mm x 148mm).

Symbol only no-smoking sign (PDF, 43KB)

The smaller 'symbol only' sign, which consists of the international no-smoking symbol at least 70mm in diameter may instead be displayed at entrances to smokefree 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

You are free to design and print your own no-smoking signs as long as they meet the minimum requirements. These can be personalised by changing the words 'these premises' to refer to the name or type of premises. Some examples can be downloaded below:

'in communal parts of this building' A5 no-smoking sign (PDF, 48KB)

http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html
Smokefree England: Guidance and no-smoking signage

In this bus shelter' A5 no-smoking sign (PDF, 50KB)
'In this cafe' A5 no-smoking sign (PDF, 50KB)
'In this doorway' A5 no-smoking sign (PDF, 50KB)
'In this hotel' A5 no-smoking sign (PDF, 50KB)
'In this pub' A5 no-smoking sign (PDF, 50KB)

The following bilingual versions of the smokefree premises signs are also available:

Arabic (PDF, 453KB)
Bengali (PDF, 442KB)
Classical Chinese (PDF, 502KB)
Gujarati (PDF, 444KB)
Polish (PDF, 443KB)
Punjabi (PDF, 444KB)
Turkish (PDF, 444KB)
Urd (PDF, 465KB)

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Supporting materials

The materials below were developed to assist businesses and organisations to prepare for the new law and ensure compliance post July 1st.

Smokefree policy

Businesses may wish to introduce a smokefree policy to ensure that employees are aware of the new law and that they now work in a smokefree environment. It will also advise them on what they should be doing to comply with the new law.

Smokefree policy (PDF, 408KB)

Smokefree flowchart

Anyone in charge of smokefree premises and vehicles needs to be prepared to take action if someone smokes in an enclosed or substantially enclosed area. This flowchart suggests steps that could be taken to deal with smoking in any smokefree premises or vehicle.

How to deal with smoking in a smokefree place (PDF, 48KB)

Stopping smoking

A range of support and advice is available to help smokers who want to give up.

Visit www.nhs.uk/gosmokefree for more information (new window)
Other options

- Meetings with community organizations and business organizations to explain the law
- Radio spots explaining the law
- Central distribution spots for signs and information
- Door-to-door distribution and explanation of information, if feasible
Effective, fair and simple enforcement mechanisms

- Fair but deterrent penalties
  - greater penalties for more serious violations and for repeat violations – written in law but also important for enforcement practice

- Efficient administration system for ticketing violators
  - allow for “on the spot” fines and charging with an offence if possible; akin to traffic violations

- Defined enforcement protocols and procedures
  - who and what?
  - inspection and enforcement protocols
Enforcement procedures: who and what?

- A joint exercise for all agencies with an actual or potential inspection and enforcement role, with civil society participation
- Assess which agencies are best positioned
  - Who does what currently?
  - How well is it working?
  - Is there coordination and collaboration between agencies?
  - What are the barriers?
  - Are other agencies better positioned and/or resourced?
- Discuss the role civil society can play and whether the law supports it
- Identify which inspectors/enforcers need to be convinced of the importance of their tasks

Source for this slide:
P. Lambert, Campaign for Tobacco-Free Kids
Inspection and enforcement protocol: Scotland’s example

- Developed and agreed upon by all agencies charged with inspections and enforcement
- Delineates agencies charged with inspection and enforcement
- Sets criteria for which businesses to inspect
- Sets criteria for investigating complaints
- Provides guidance on what to assess to determine compliance
- Establishes criteria for sanctioning noncompliance

Scotland’s criteria for inspections

- Initial focus is on priority places, such as:
  - places open to substantial numbers of people.
  - businesses with no pre-existing self-imposed smoking controls
  - places not usually subject to routine visits by enforcement officers under other laws

- Focus evolves to risk-based inspections. Criteria include:
  - confidence in management
  - compliance history
  - number of complaints received

Source for this slide:
P. Lambert, Campaign for Tobacco-Free Kids
Scotland’s protocol, cont’d

- Describes inspection options
  - proactive
  - in response to complaints
  - official, announced
  - covert

- Areas to assess for compliance
  - Sign requirements (number, size, location, etc.)
  - Presence of ashtrays
  - Management controls in place
    - policies and procedures
    - staff awareness
    - record of incidents to prove due diligence

Source for this slide:
P. Lambert, Campaign for Tobacco-Free Kids
Trained, knowledgeable and supported enforcement officers

- Problems will be few, but officers need to know how to deal with difficult situations, AND they need to be good ambassadors for the law
- Officers should receive basic training sessions and written guidance on their role
- Officers should have a back-up support strategy if necessary, such as the police
- Officers should have political support of their organizational leadership as well as higher-level political support
Simple mechanism for public to report complaints

- Toll-free telephone number for complaints, included on required signs and promoted on web site

- Agreements with civil society organizations to monitor and report complaints
Publicizing of enforcement efforts

- News releases highlighting enforcement efforts:
  - level of compliance with the law
  - enforcement actions taken

- Focus on fairness and firmness of enforcement efforts, including consequences of non-compliance
Resources (yes, money!)

- For promotion of enforcement actions
- For training of enforcement officers
- For development of protocols and other enforcement materials
- For hiring enforcement officers in sufficient numbers to provide a deterrent
Ireland compliance after one year

• A total of 34,957 inspections / compliance checks conducted over the nine month period from the introduction of the law on March 29th to the end of 2004

• For section 47 of the law* - "no one smoking and no evidence of smoking in contravention of the law" - 94% national compliance

• For section 46 of the law* - ‘No Smoking’ signage - 86% national compliance

Smoke-Free Workplaces in Ireland A One-Year Review
* Public Health (Tobacco) Acts, 2002 and 2004
http://www.otc.ie/uploads/1_Year_Report_FA.pdf
Summary

- Enforcement is closely linked to other campaign stages

- Preparation for these mechanisms needs to happen near the beginning of your campaign

- Anticipated problems are normally much worse than reality