

Aim:

Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace. This includes company vehicles. This policy applies to all employees, consultants, contractors, customers or members and visitors.

# SMOKE FREE POLICY

General Practice

Date: October 2021  
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This policy is owned by: Onchan District Commissioners



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## **Onchan District Commissioners** **No Smoking Procedure**

### **INTRODUCTION**

#### **Public Health (Tobacco) Act 2006 <sup>1</sup> - No-Smoking Premises Regulations 2007<sup>2</sup>**

Part 2 of the Act provided enabling powers for the Department of Environment, Food and Agriculture to make Regulations to ban smoking in certain wholly enclosed places.

The Government's objectives through delivering smoke-free legislation are to:

- reduce the risks to health from exposure to second-hand smoke;
- recognise a person's right to be protected from harm and to enjoy smoke-free air;
- increase the benefits of smoke-free enclosed public places and workplaces for people trying to give up smoking so that they can succeed in an environment where social pressures to smoke are reduced; and
- save lives by reducing both exposure to hazardous second-hand smoke and overall smoking rates.

The No-Smoking Premises Regulations set out specific arrangements for the following aspects of smoke-free legislation:

- a) definitions of wholly enclosed and substantially enclosed;
- b) signage requirements for smoke-free premises and vehicles;
- c) enforcement; and
- d) penalties for smoking in no smoking premises.

The Government's intention is to create a supportive environment where people are encouraged to comply with the new legislation. We are encouraged by international precedents, where compliance with smoke-free laws has been high. The approach to enforcement will be non-confrontational, focused on raising awareness and understanding to ensure compliance, and enforcement officers will work closely with local businesses to build compliance through education, advice and support. We expect that enforcement action will be considered only when the seriousness of the situation warrants it. Any enforcement action that is taken will be fair, proportional and consistent. Enforcement inspections will be based on risk and, where possible, combined with other regulatory inspections to reduce burdens on business.

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<sup>1</sup> Passed by Tynwald and received Royal Assent on 16 October 2006.

<sup>2</sup> received Tynwald approval on 12 July 2007 and came into operation on 30 March 2008

## **PURPOSE**

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to assist compliance with the Health and Safety at Work Act 1974, The Public Health (Tobacco) Act 2006 and the No –Smoking Premises Regulations 2007.

Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses.

Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

## **SCOPE**

This procedure applies to **ALL** members of employees, consultants, contractors, customers or members and visitors.

## **POLICY**

It is the policy of Onchan District Commissioners that all our workplaces are smoke free, and all employees have a right to work in a smoke free environment.

Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace. This includes company vehicles. This policy applies to all employees, consultants, contractors, customers or members and visitors.

## **REFERENCES TO LEGAL, CENTRAL GOVERNMENT AND OTHER EXTERNAL DOCUMENTS**

Health and Safety at Work etc Act 1974

(<http://www.gov.im/media/622787/healthsafetyatworketcact1974.pdf>)

The Public Health (Tobacco) Act 2006

([http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2006/2006-0019/PublicHealthTobaccoAct2006\\_1.pdf](http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2006/2006-0019/PublicHealthTobaccoAct2006_1.pdf))

No–Smoking Premises Regulations 2007

([https://www.gov.im/media/299517/no\\_smoking\\_premises\\_regs2007.pdf](https://www.gov.im/media/299517/no_smoking_premises_regs2007.pdf))

## **ONCHAN DISTRICT COMMISSIONERS REFERENCES**

Nil.

## **DEFINITIONS**

**Wholly enclosed premises:** Premises are considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis.

**Substantially enclosed premises:** Premises are considered to be substantially enclosed if they have a ceiling or roof, but there are openings in the walls which are less than half of the total area of walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises. When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be opened or shut.

**Roof:** includes any fixed or moveable structure or device which is capable of covering all or part of premises as a roof. This includes retractable canvas awnings.

## **AUTHORITY TO VARY THE PROCEDURE**

Chief Executive/Clerk

# PROCEDURE

## 1. **BACKGROUND**

The Onchan District Commissioners' intention is to create a supportive environment where people are encouraged to comply with the No-Smoking Legislation.

## 2. **PUBLICATION OF SCHEME**

Employees will be informed of this policy through signs posted in the facilities and vehicles, the policy manual, staff handbook.

Visitors will be informed of this policy through signs, and it will be explained by their hosts.

## 3. **IMPLEMENTATION**

Overall responsibility for policy implementation and review rests with the Chief Executive/Clerk.

However, all staff are obliged to adhere to, and support the implementation of the policy. The person named above shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They will also give all new personnel a copy of the policy on recruitment/induction.

## 4. **SIGNAGE**

Appropriate 'no-smoking' signs will be clearly displayed at the entrances to and within the premises, and in all vehicles. To be displayed in a position that is prominently visible to persons in and approaching the premises and vehicles.

The minimum requirements are that at least one no smoking sign is to:

- a) be a sign with minimum dimensions of A5 in size (148mm by 210mm);
- b) display the international no smoking symbol, consisting of a graphic representation of a burning cigarette enclosed in a red circle with a red bar across it, at least 75mm in diameter; and
- c) carry the following words, in characters that can be easily read: No smoking. It is an offence to smoke in these premises. Please notify complaints to the Chief Executive/Clerk.

Examples of appropriate signage:



The regulations require the person having the management or control of a smoke-free vehicle to have the same duties to display no-smoking signs that conform with legislative requirements as a person who is concerned with the management of smoke-free premises.

## 5. **VEHICLES**

There will be no use of any form of tobacco in Commissioners' vehicles at any time.

There will be no tobacco use in personal vehicles when transporting people on the Authority's authorised business.

## 6. **DESIGNATED SMOKING AREA**

The decision to provide designated smoking areas outside the building will be at the discretion of the Chief Executive/Clerk.

The designated smoking area will be located outside of the building and at least 50m away.

All materials used for smoking in this area, including cigarette butts and matches, will be extinguished and disposed of in appropriate containers.

Line Managers will ensure periodic clean-up of the designated smoking area.

If the designated smoking area is not properly maintained (for example, if cigarette butts are found on the ground), it can be removed at the discretion of management.

## 7. **BREAKS**

Employees are permitted to take two 5 minute welfare breaks per day in addition to their lunch break. Additional smoking breaks are not permitted.

## 8. **NON-COMPLIANCE**

Line Managers are additionally responsible for:

- Ensuring that staff, contractors and visitors comply with the policy.
- Taking appropriate disciplinary action if staff breach the policy.
- Asking contractors/visitors to leave the premises if they refuse to comply with this policy.
- Ensuring that there is appropriate signage in vehicles owned or operated by their Department.
- Notifying the Chief Executive/Clerk of additional areas to be designated and signed as smoke-free.

Any violations of the policy will be handled through the standard disciplinary procedure.

Those who do not comply with the smoke-free law may also be liable to a fixed penalty fine and possible criminal prosecution.

## 9. **HELP TO STOP SMOKING**

If you are thinking about quitting smoking, there is lots of support available to help you stop, and stay stopped. Contact Quit4You, Telephone: (01624) 642404, or visit: <http://www.gov.im/categories/health-and-wellbeing/healthy-living/quit4you/>

## 10. **PERFORMANCE STANDARDS**

This procedure will be reviewed in the light of any changes to appropriate legislation or government guidance.