

Smoke Free Workplaces



A Trade Union perspective

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Air Pollution – Brief History

- Ever since air pollution was recognised as a problem, legislators, regulators and Governments have tried to control it
- As early as 1273 the use of coal was prohibited in London as being "prejudicial to health"
- 1306 the Royal Proclamation prohibited craftsmen from using sea-coal (a soft coal) in their furnaces



History cont'd

- Railway Clauses Consolidated Act of 1845
- Improvement Clauses Act of 1847
- Sanitary Act of 1866
- Smoke Abatement Act of 1926
- Clean Air Acts 1956 & 1968 (following Great Smog 1952)
- Since 1970's – raft of EU legislation
- EPA 1990 – EA 1995
- Source: http://www.ace.mmu.ac.uk/eae/Air_Quality/Older/Legislation.html

1952 - London

- *London, December 1952, when an estimated 4,000 people died from a four-day smog event*



Smoking – Brief History

- **Before 1 BC** Historians believe native Americans began using tobacco for medicinal and ceremonial purposes
- **600-1000 AD** First pictorial record of tobacco being smoked found on Guatemalan pottery
- **1492** Columbus discovers tobacco in the New World
- **1531** European cultivation of tobacco begins in Santo Domingo
- **1548** Portuguese cultivate tobacco in Brazil for commercial export
- **1571** Monardes, a doctor in Seville, reports on the latest craze among Spanish doctors – the wonders of the tobacco plant. Monardes lists 36 maladies which he believed could be cured by tobacco
- **1585** Sir Francis Drake introduces smoking to Sir Walter Raleigh
- **1600** Sir Walter Raleigh persuades Queen Elizabeth to try smoking
- Source - <http://www.ash.org.uk/html/schools/keydates.html>

Smoking - Current legal position

- At present there are no specific laws on smoking at work
- Council Directive 89/391/EEC is implemented in England by [Statutory Instrument 1992 No. 2051](#) as 'The Management of Health and Safety at Work Regulations 1992'.
- HASAW etc Act 1974 requires employers to ensure the health, safety and welfare of their employees
- Therefore if there is a risk to health from working in a smoky environment the employer must take steps to deal with the risk

Smoking - Current legal position

Minimum safety requirements at work

- Council Directive 92/85/EEC is implemented in England by [Statutory Instrument 1996 No. 1592](#) as part of

The Construction (Health, Safety and Welfare) Regulations 1996 (Schedule 6).

- [Employment Rights Act 1996](#)

In Force Legislation in England, Wales, and Scotland only

Current legal position cont'd

- Workplace (Health, Safety and Welfare) Regulations (1992)
- Require indoor workplaces to be sufficiently ventilated
- Employers must also protect non-smokers from tobacco smoke in rest areas, either by providing separate rest facilities or banning smoking in these areas
- Control of Substances Hazardous to Health (COSHH) Regulations (2002) apply to environmental tobacco smoke (according to a legal opinion - controversial)
- TUC is campaigning for an ACoP to be approved and implemented

Lessons from Ireland

Report by H.S.A. and OTC Jan. 2003

- Highlighted the health effects of ETS in the workplace
- ETS is carcinogenic
- Causes heart disease
- Causes respiratory problems
- Adverse effects on pregnant women and their babies
- Special consideration for high risk workers: hospitality workers identified as 'unique risk'
- Air condition technology inadequate
- Legislation required

One Year On from introduction in Ireland (March 2005)

- 94% of all workplaces inspected were smoke free
- 93% of all hospitality workplaces inspected were smoke free
- 98% of people believe that workplaces are healthier
- 96% of people believe that smoke free law is a success
- 93% of people think the smoke free law is a good idea

Source: John Douglas, General Secretary MANDATE TRADE UNION The Union of Retail,
Bar and Administrative Workers

Future - UK

- Public Health Bill
- Part (1) Makes provision for - Smoke free premises, places & vehicles (Including Trains, Vessels and Hovercraft)
- Premises 'smoke free' if they are used as a 'Place of work' including 'voluntary work'
- There are exemptions – still to be clarified in terms of some licensed premises – see below
- Parliamentary vote on Feb 14th?

After the free vote

- Legislation to be enacted in summer 2007
- Will lead to 'prohibition of smoking in certain premises, places and vehicles'
- Premises are smoke-free if they are open to the public
- Premises are smoke-free if they are used as a place of work by more than one person
- Where members of the public might attend for the purpose of seeking or receiving goods or services from the person or persons working there
- Premises are smoke-free only in those areas which are enclosed or substantially enclosed.

Trade Union Policies

- Policies on Smoking should be negotiated with employees and their Union reps
- Not just focus on a ban
- Include positive steps and incentives to encourage cessation
- Recognise that smoking is addictive
- Prescriptive total bans can be counter productive
- If no designated area is in place – outside the building – dangerous secret smoking may take place posing e.g. fire risks

Smoking policy example

- Negotiation in consultation with employees & the union
- Tailoring the policy to the needs of the particular workplace
- A clear, strong commitment to health promotion
- Make provisions for smokers
- Providing information
- Setting up a working party
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- Timescale for implementation
- Covering everyone
- Making everyone aware of the policy
- Monitoring the policy

Source - Unison Info Sheet

Conclusions

- Legislation on smoking at work is finally coming
- Unions and Management and Employees need to work closely to implement effective policies – that cover **all** levels
- Consider works stress factors that may encourage smoking
- Health promotion opportunities should be exploited
- Help where possible for smokers who wish to quit
- Stigmatising ‘smokers’ should be avoided
- Use the legal changes to make sensible workplace health improvements for all – smokers and non-smokers