

Smokefree legislation consultation response (UK)

17 Sep 2007

The Institute of Public Health was established in 1999 to promote co-operation for Public Health on the island of Ireland.

It aims to improve health across the island of Ireland by working to combat health inequalities and influence public policies in favour of health.

The remit includes;

- providing public health information and surveillance;
- strengthening public health capacity;
- and advising on policy.

Introduction

The Institute of Public Health welcomes the consultation on the Smokefree Elements of the Health Improvement and Protection Bill.

The Institute strongly supports a total ban on smoking in all enclosed workplaces and public places.

A total ban on smoking in all enclosed public places and workplaces is the only way to adequately protect the health of all workers and contribute to reducing the prevalence of smoking within the population.

The exemptions within the proposed Health Improvement and Protection Bill will fail to protect many workers particularly in the hospitality industry. These workers are often at greatest risk from Environmental Tobacco Smoke (ETS) due to the extent of their exposure.

Across the UK exposure to ETS at work is estimated to be responsible for the deaths of more than 2 employed people per working day (617 deaths per year) including 54 deaths in the hospitality industry each year.

In addition many hospitality workers are low paid. Failing to protect this group from ETS at work will increase inequalities in health between affluent and non affluent sections of the population

The Institute believes that the approach outlined within this Bill is impractical, unfair and lacking in rationale.

Detailed responses to the questions posed in the consultation are outline below.

RESPONSE TO CONSULTATION QUESTIONS

The definition of “Smokefree enclosed public places and workplaces”

The Institute of Public Health believes that all public places should be smokefree to protect the health of individuals from ETS. This should include sports stadia and other outdoor areas such as bus shelters, entrances or exits to public buildings or workplaces. Any definitions used within the legislation should include these areas.

Exemptions – All licensed premises that do not prepare and serve food.

All employees have a right to work in a safe environment and all employers have a duty to ensure that they do so.

Workers in premises licensed for the sale and consumption of alcohol are often at greatest risk from ETS due to the extent of their exposure. This is irrespective of whether these premises prepare or serve food.

As the aim of the Health Improvement and Protection Bill is to protect workers from ETS the rationale for excluding workers within licensed premises which do not serve food is unclear. These workers are also vulnerable to the harmful effects of ETS and should not continue to be exposed when other workplaces have become smokefree.

The Institute of Public Health believes legislation to protect employees from the harmful effects of ETS must include all workers and workplaces.

The health effects of ETS are clear and there is good economic evidence to support the introduction of such smokefree policies .

Given this the definition of “prepare and serve food” seems somewhat arbitrary.

Exempting licensed premises which do not prepare and serve food would also be extremely confusing to the public and very difficult to implement.

Exemptions – all licensed premises (receive a longer lead-in time)

Given the clear health benefits the Institute would support the introduction of smokefree policies as quickly as possible and certainly before 2007.

There is no clear reason for delaying the introduction of smokefree policies within licensed premises. Workers within these premises are being exposed to a carcinogen (ETS) on a daily basis and need protected now.

Exceptions – Residential premises:

Although the Institute of Public Health understands the concerns around an individual's right to choose to smoke in residential premises, many of these premises – adult hospices, long stay residential care homes, psychiatric hospitals, prisons – are also places of work and employees here deserve the same protection from harmful ETS.

The prevalence of smoking in psychiatric hospitals and prisons is often very high amongst staff and patients. Smoking is often accepted as the norm in these settings and exposure to ETS can be very high.

Experience has shown that comprehensive smokefree policies can be implemented provided they are flexible, pragmatic and supported by increased accessibility to advice and support in stopping smoking.

The Institute feels that no blanket exemptions should be made to exclude residential premises from smokefree policies. There is clear potential here, not only to protect workers within these premises from ETS, but also to improve the health of residents.

Exceptions – Membership clubs:

The Institute of Public Health sees no reason why membership clubs should be exempt from smokefree legislation. Employees in these clubs deserve equal protection from the harmful effects of ETS as their counterparts in other workplaces.

Exceptions – Practical implications:

Will the introduction of this legislation present any practical difficulties in your workplace?

The Institute of Public Health is a smokefree workplace and has been since it was established in 1999.

The Republic of Ireland introduced smokefree legislation in March 2004 for all public places and workplaces. This has proved to be very successful. The legalisation is highly popular and no major compliance problems have been encountered .

Useful lessons could be learnt from this approach. The key to success within the Republic of Ireland was a clear policy, an effective public information campaign outlining the rationale and clear enforcement laws.

Smoking at the bar: how best to regulate a no-smoking at the bar policy in exempted licensed premises.

As previously stated, the Institute of Public Health feels all workplaces should be smokefree to protect the health of all employees.

Segregating smoking and non-smoking areas as outlined above will not protect employees and members of the public adequately - smoke drifts throughout pubs and ventilation is not effective .

Legislation outlining areas for smoking and those for not smoking such as "at the bar" will be confusing for the public and difficult to enforce.

Timetable:

Legislation to protect workers from the harmful effects of ETS should be introduced as quickly as possible and certainly before 2007. Legislation should cover all premises from the outset.

Unintended consequences for binge-drinking.

Binge-drinking and smoking are both major public health issues. A total ban on smoking in all licensed premises will prevent any possible adverse effect in pubs who may decide to stop serving food instead of imposing a smoking ban.

General points:

The Institute of Public Health agree that the proposals outlined here (exception of pubs which do not serve food) will result in “smoking pubs and clubs” being concentrated in poor communities.

These communities already suffer major health inequalities and will be disadvantaged further by this legislation.

The health gap between these communities and more affluent communities is likely to increase as these areas will not reap the benefit that affluent communities will in terms of reduction in smoking prevalence following smoke-free legislation .

Conclusion

The Institute of Public Health strongly supports legislation to introduce smoke free workplaces and public places and sees this as one of the most important actions which Government could take to protect and promote health.

However the introduction of a total ban on smoking in all enclosed workplaces and public places is the only way to protect all workers from the harmful effects of ETS.

The health and economic evidence is clear for such a policy. Policies introduced within the Republic of Ireland have been practical, well supported and effective.

We would encourage the Department of Health to re-examine it’s rationale for the exemptions included within this Bill and act now to protect the health of all workers, including those within the hospitality industry.

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