



# *Smoke-Free at Work*

**From 29th March,  
enclosed places of work  
will become Smoke-Free**



**DEPARTMENT OF HEALTH AND CHILDREN**  
AN ROINN SLÁINTE AGUS LEANAÍ

**[www.smokefreeatwork.ie](http://www.smokefreeatwork.ie)**



From March 29th 2004, most enclosed places of work will be smoke-free.

The primary purpose of the 'Smoke-Free at Work' initiative is to afford protection to workers and the public who are exposed to the harmful effects of second-hand tobacco smoke. The damaging effect of tobacco smoke on human health is indisputable.

I am encouraged by the level of support that this health initiative has received and I am confident that the majority of citizens will undertake to respect the rights of workers to a healthy, smoke-free environment. Providing for a clean, healthy environment, free from toxic tobacco smoke, is a positive move with positive health benefits.

*Micheál Martin*

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Minister for Health and Children

A report commissioned by the Health and Safety Authority and the Office of Tobacco Control concluded that exposure to Environmental Tobacco Smoke (ETS) can cause cancer and other serious and fatal illnesses, including heart disease and respiratory problems in adults and children. In addition, it is recommended that legislative measures are required to protect workers from the adverse health effects of Environmental Tobacco Smoke exposure. Second-hand smoke is often referred to as Environmental Tobacco Smoke (ETS), or passive smoke.

**The primary purpose of this important public health measure is to protect workers and the general public from exposure to second-hand smoke.**

## Where will it apply?

Smoking will not be permitted in any enclosed workplace, although some exemptions apply.

In areas where the legislation will apply, smoking rooms will not be permitted in previously designated smoking areas such as inside a building, garage, shed and fully enclosed outside shelters with doors and windows.

## Where will the exemptions apply?

Most workplaces will be covered by this measure, however, there are some exemptions as follows:

- outdoor places of work
- places of detention
- places that are similar to a private dwelling such as bedrooms in hotels, guesthouses, hostels and B&Bs
- some care institutions such as nursing homes, hospices, psychiatric hospitals and certain charitable institutions, and
- some outdoor locations such as beer gardens and smoking shelters, provided they comply with the legislation.

**An exemption does not constitute a right to smoke and employers are still bound by a duty of care to protect their employees.**

It should be noted that an employer can decide **not** to avail of the above exemptions.

## Is an employer obliged to provide an outdoor smoking area?

There is no obligation on an employer to provide an outdoor smoking area. Any outdoor smoking facility that may be provided is at the discretion of the employer and is subject to the requirements of the legislation.

# What an employer should do

## 1. Communicate and Consult with Employees

Educate and consult with employees about

- Second-hand smoke
- The requirements of the legislation
- Developing a Smoke-Free Workplace Policy
- The changes in the work environment needed to comply with the legislation
- The disciplinary procedures for non-compliance.

## 2. Have a Smoke-Free Workplace Policy

Occupiers, managers and any other persons in charge of a workplace should develop and implement a written policy and procedures to ensure compliance with the legislation. The main aim of the policy is to create a healthy environment for all employees by creating a smoke-free workplace.

The policy should clearly identify which members of management/staff have responsibility for its implementation and include procedures to be followed in the event of non-compliance. The policy must be communicated to all staff. A model smoke-free workplace policy is outlined at the back of this leaflet.

## 3. Create a Smoke-Free Environment:

- ✓ Eliminate existing indoor or enclosed designated smoking rooms
- ✓ Signage indicating a smoke-free workplace will help reinforce the law and aid with compliance
- ✓ Workplaces will be obliged to display a sign indicating the owner or person in charge, and the name of the person to whom a complaint can be made, if necessary
- ✓ Remove ashtrays and provide suitable receptacles at entrances for cigarette butts and packs.

## 4. Support Smokers Wanting to Quit:

- ✓ Display and circulate details of the National Smokers' Quitline 1850 201 203
- ✓ Further advice on smoking cessation is available at [www.healthpromotion.ie](http://www.healthpromotion.ie)
- ✓ Encourage all employees to support smokers in adapting to the changed environment.

## 5. What do Employees need to do?

Employees and any other persons (e.g. visitors or customers) are not permitted to smoke in an enclosed workplace and must comply with the legislation in this regard. Failure to comply with the legislation may result in prosecution.

Further information on smoke-free at work is available from [www.smokefreeatwork.ie](http://www.smokefreeatwork.ie), the Office of Tobacco Control ([www.otc.ie](http://www.otc.ie)) or your local Health Board.

Produced by the Department of Health and Children in consultation with the Irish Heart Foundation, the Irish Cancer Society, ASH, the Environmental Health Officers Association, the Health & Safety Authority and the Office of Tobacco Control.

This leaflet does not represent a legal interpretation of the legislation.

# Model Smoke-Free Workplace Policy

## Purpose

Second-hand smoke, also known as Environmental Tobacco Smoke (ETS) or passive smoke is a cause of disease, including lung cancer and heart disease, in third parties. Neither the simple separation of smokers and non-smokers within the same air space, nor the provision of ventilation, can eliminate exposure to second-hand smoke and the consequent health effects of such exposure. This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke, to ensure compliance with legal obligations and to ensure a safe working environment.

## Policy

It is the policy of [.....] that all of its workplaces are smoke-free and that all employees have a right to work in a smoke-free environment. Smoking is prohibited throughout the workplace with no exceptions. This policy applies to all employees, consultants, contractors, customers and visitors.

## Implementation

Overall responsibility for policy implementation rests with the occupier, manager or other person, for the time being, in charge of the workplace. All staff have an obligation to adhere to, and facilitate the implementation of this policy.

The person in charge [.....] shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. All new and prospective employees, consultants and contractors shall be given a copy of the policy on recruitment/induction by the person in charge.

## Policy Regarding Infringements

Infringements by staff will be dealt with, in the first instance, under employee disciplinary procedures. Employees, consultants, contractors, customers and visitors who contravene the law prohibiting smoking in the workplace are also liable to prosecution.

## Smoking Cessation

Information on how to obtain help quitting smoking is available from the National Smokers' Quitline on callsave 1850 201203 or the Health Promotion Department of local Health Boards.

**For further workplace information contact the  
Office of Tobacco Control, Principal Environmental Health Officer  
at your local Health Board or log onto [www.smokefreeatwork.ie](http://www.smokefreeatwork.ie)**

