

ALMR MATTERS

SMOKING – YOUR DUTY AS AN EMPLOYER

Earlier this year, the Government finally tabled the draft regulations to bring in the smoking ban at 6am on Sunday 1 July 2007. Our last [e-zine](#) focused on the law as it relates to external smoking facilities - full details of what is legal is available in our detailed [briefing note](#).

However, the legislation does not just relate to pubs and bars, and in the rush to protect your bottom line and accommodate smoking customers, it is all too easy to overlook your obligations as an employer. The pub is not just a public place, it is also a **workplace** so make sure you don't fall foul of the new law in respect of back of house areas by following our guide.

What is legal: all workplaces are required to be smoke free at all times. That means no smoking front of house out of hours, even if there are no customers present. It also means an end to staff smoking rooms and smoking in communal areas such as indoor staircases between the bar and tenant/manager's flat or passageways. If staff want to smoke they will have to go outside.

What you need to do: as an employer, you will need to ensure that back of house work areas as well as public areas are signed and that employees are made aware of the ban at work.

- Display **no-smoking signs** - all public entrances must display a no-smoking sign at least A5 in size with the words "no smoking. It is against the law to smoke in these premises". This applies to staff entrances as well as public entrances to the bar. However, staff entrances need only display a no-smoking logo. The requirement does not only apply to public places. You will also need to ensure that entrances to head office and other non-retail company workplaces premises are also correctly signed. You may want to display no-smoking signs inside the building in areas where you know staff smoke.
- **Staff training:** You will also need to talk to your staff – particularly tenants and autonomous managers who may see the pub out of hours as part of their home – to explain the wider ramifications of the ban. Update staff handbooks and induction programmes to ensure that you have a due diligence defence if a member of staff is found to be smoking on company premises. Acclimatise staff by banning smoking at work ahead of 1 July to get them used to the new arrangements.

The Penalties: There are penalties for employers who fail to meet the legal requirements:

- Failure to display proper signage: £1,000 fine upon conviction or fixed penalty notice of £200 reduced to £150 for prompt payment
- Failure to prevent employee smoking: maximum fine of £2500 for repeat offenders
- Employees caught smoking would also be subject to a fine of £200 or fixed penalty notice of £50 reduced to £30 for prompt payment.

The next e-zine will focus on the implications of the new law for staff flats, guest bedrooms and vehicles.

For news and information on these and other issues – together with details of forthcoming events – visit our website www.almr.org.uk

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