

Smoke-Free Workplace Legislation Implementation

Public Health (Tobacco) Acts,
2002 and 2004

Progress Report

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29 March 2005

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Introduction

The Office of Tobacco Control is charged with coordinating the National Inspection Programme for tobacco control. In this context the Office has prepared this report on compliance with the provisions of the Public Health (Tobacco) Act, 2002 and the Public Health (Tobacco) (Amendment) Act, 2004 relating to smoke-free workplaces.

The smoke-free workplace law came into effect on the 29th March 2004.

This report gives an overview of the national picture on compliance with Sections 46 and 47 of the Public Health (Tobacco) Act, 2002, as amended by Sections 15 and 16 of the Public Health (Tobacco) (Amendment) Act, 2004.

The report covers the period from the introduction of the legislation (29th March) to the end of December 2004.

The report comprises of data from three sources:

1. The smoke-free workplace compliance line,
2. The national tobacco control inspection programme, and
3. Market research on public attitudes and behaviours.

The initial market research was carried out in March, the month prior to the introduction of the legislation. This research was repeated in April, July and December 2004 and again in February 2005.

1. Smoke-Free Compliance Line

Since March 29th the Office of Tobacco Control has operated the Smoke-Free Compliance Line 1890 333100. The Office has encouraged people who observe contraventions of the law to first raise the issue with the proprietor of the premises concerned and if they do not receive a satisfactory response they are advised to contact the compliance line. All such complaints are passed to the appropriate enforcement agency and are prioritised in their inspection programmes.

In the period from 29th March to 31st December 2004 a total of 3,121 calls were made to the compliance line (see Table 1 below). These calls

are categorised as complaints, queries, information requests or prank calls.

Complaint calls accounted for 1,881 calls or (60%) of the 3,121 calls received. 49% of the calls (1,524) were received in the first month alone. Of those, 677 (44%) were complaints. A steady decline in call volumes has been experienced since then with 175 or 6% of the calls received in December. Of the 175 calls received in December 129 (74%) were complaints. Overall, 1,341 (71%) of the complaints received, related to the hospitality sector, of which 1,262 were in respect of licensed premises.

Table 1 – Calls to Smoke-free Compliance Line

Call Type	April*	May	June	July	August	September	October	November	December	TOTAL
Complaint	677	177	165	214	105	110	171	133	129	1881
Info Request	20	4	2	6	5	3	1	7	4	52
Query	464	49	37	37	23	23	28	38	31	730
Prank	363	32	15	10	5	9	7	6	11	458
Total Calls	1524	262	219	267	138	145	207	184	175	3121

* Includes calls made between 29th March and 30th April 2004

Calls to the compliance line peaked in the month following the introduction of the new law. Call volumes quickly declined and within a month the number of complaints had reduced to 40 - 50 per week. Complaint calls in November and December averaged 30 per week.

The smoke-free compliance line is fulfilling its objectives by:

- Empowering the public, employees and others,
- Ensuring that proprietors are aware of their customers / employees desire to see the law implemented, and
- Enabling the effective targeting of enforcement action by highlighting non-compliance.

Complaints to the compliance line are investigated promptly and enforcement actions prompted by these complaints have resulted in a number of prosecutions. However, the trend in call rates to the compliance line suggests that notwithstanding an initial adjustment period, compliance levels are high.

2. National Tobacco Control Inspection Programme

As part of its remit the Office of Tobacco Control, in conjunction with the health boards, have developed a framework for the national inspection programme with the aim of ensuring the consistent enforcement of tobacco control legislation. Through the use of national protocols and records a common data set is generated that measures compliance levels, assists in the effective targeting of resources and in the identification of best practice.

The initial focus of the inspection programme was to raise awareness and understanding, and to build compliance with the new law. The priority afforded to the hospitality sector initially was an acknowledgement that the new law represented a challenge for this sector. To this end the health

boards through their environmental health officers invested significant additional resources during the introduction of the new law. This is evident from the April returns with 7,589 inspections / compliance checks completed between the 29th March and the 30th April.

The current report is based on the returns for the period 29th March to 31st December 2004. The data from the health boards on inspections undertaken by environmental health officers gives an overview of compliance nationally. A total of 34,957 inspections / compliance checks were conducted over the nine-month period.

Table 2 below provides a summary of national data on complaints, inspections and compliance levels.

Table 2 – National Compliance Data

Business Type	Complaints	Inspections	Section 47 % Compliant	Section 46 % Compliant
Hotel	84	1454	(1359) 93%	(1346) 93%
Restaurant	53	6873	(6806) 99%	(5725) 83%
Licensed Premises	1814	14400	(12918) 90%	(13212) 92%
Other	479	12230	(11817) 97%	(9836) 80%
Total	2430	34957	(32900) 94%	(30119) 86%

As found in the six-month compliance report, this report indicates that overall compliance levels remain high with 94% of premises inspected being compliant in respect of the smoking prohibition i.e. no one smoking and no evidence of smoking in contravention of the law (Section 47). The reported national compliance level in respect of the requirement for 'No Smoking' signage (Section 46) is 86%.

Chart 1 presents the compliance rate by health board in respect of the smoke-free workplace provision (Section 47). Compliance levels remain high ranging from 88-98% and show little change on the six-month report figures. As stated in the six-month report the Western Health Board's lower figure is indicative of an approach where the focus moved rapidly from routine inspections to targeting non-compliant premises.

Chart 1 – Section 47 Smoking Prohibition – % Compliance by Health Board

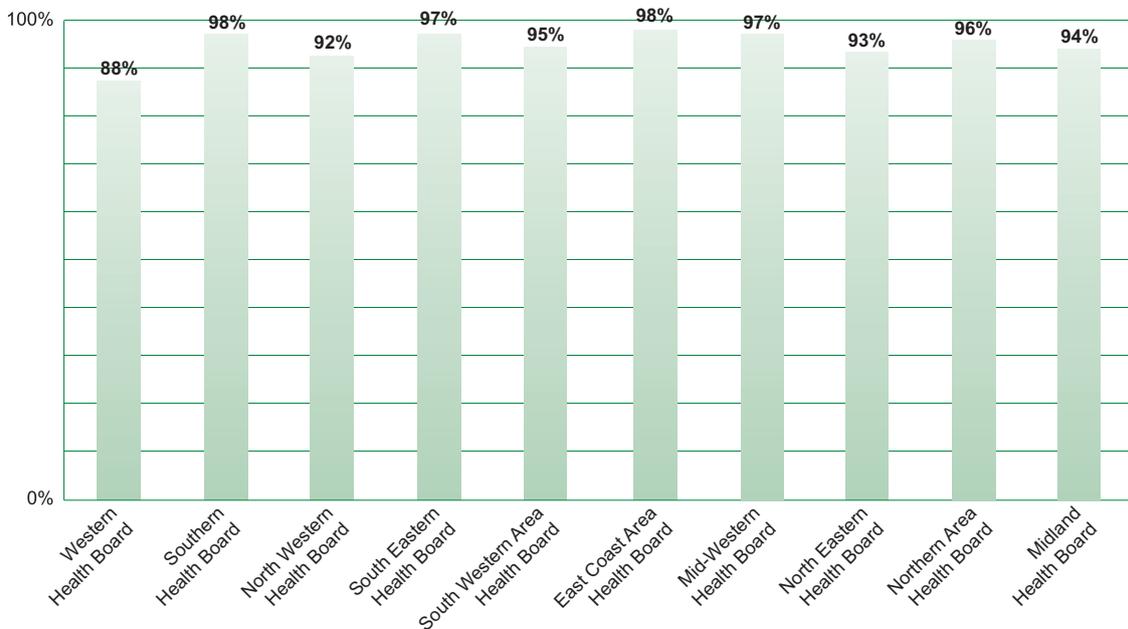
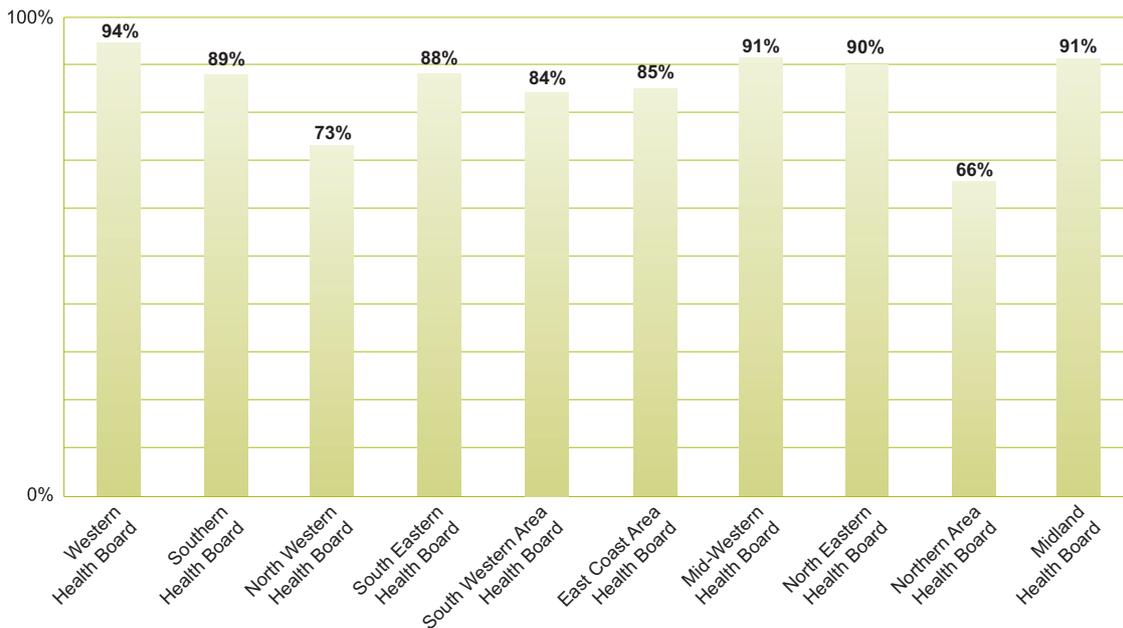


Chart 2 below presents the compliance rate by health board in respect of the 'No Smoking' signage provision (Section 46).

Reported compliance levels in respect of Section 46 range from 66-94%.

Chart 2 – Section 46 'No Smoking Signage' – % Compliance by Health Board



3. Research on Public Attitudes and Behaviours

The Office of Tobacco Control commissioned market research from TNS mrbi on public attitudes in respect of the new law. An initial survey was conducted in March prior to the introduction of the new law and similar surveys have been repeated since then. The most recent survey was conducted in February 2005. These surveys were conducted among a representative sample of 1,000 people aged 15 years and older.

The research indicates compliance with the law remains high.

All enclosed workplaces

- 96% of all indoor workers report that their work atmosphere was not smoky since the introduction of the smoke-free workplace law.

Pubs

- Since the introduction of the new law, 98% of those surveyed who visited the pub within the previous fortnight reported that the atmosphere was not smoky. The comparable figure before the smoke-free workplace law was 46%.
- 99% of all smokers surveyed who visited the pub within the last fortnight either smoked outside or did not smoke at all. One in five smokers chose not to smoke at all when out socialising.

4. Conclusion

This report gives an overview of the national picture on compliance with the provisions of the Public Health (Tobacco) Acts, 2002 and 2004 relating to smoke-free workplaces during the period 29th March to 31st December 2004.

It reaffirms the positive trends in relation to compliance established in the six-month report. Analysis of the data gathered from the National Tobacco Control Inspection Programme demonstrates high levels of compliance across the country. This evidence is consistent with other data sources i.e. smoke-free workplace compliance line activity data and attitudinal research conducted during the period on perceptions of compliance with the legislation.

As we celebrate the first anniversary of the smoke-free workplace law it is clear that the public have endorsed this significant public health measure and continue to give it widespread support. This is reflected in the high compliance levels and the ease with which the measure has been introduced and implemented. The genuine reservations expressed over potential difficulties with implementation and enforcement have not materialised.

The current phase of the programme is aimed at maintaining and improving the existing high levels of compliance while taking enforcement action against the small percentage of non-compliant premises. This phase is supported by the smoke-free compliance line (1890 333100) and the Office of Tobacco Control's media campaign 'Smoke-free is working - Let's keep it that way'.



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