

Draft Smoke-free Regulations 2007 – E-Consultation on-line response

Response from Royal Mail

Q1: NO

Q1a: Royal Mail supports the health improvement objectives of the legislation and the proposed underpinning regulations. Royal Mail has promoted these objectives for many years. A revised Group-wide Non Smoking Policy has recently been approved to align our long-standing policy on smoke-free atmospheres with the proposed legislation, and further to assist employees who wish to stop smoking. The proposed signage requirements, however, appear disproportionate and unnecessary.

The proposed requirements require clarification and the definition of “Entrance” in the regulations should be reviewed accordingly. The draft regulations require display of at least one sign “in each entrance”. Entrance is defined as “entrance for use by persons”. Paragraph 2.8 of the consultation paper refers to a requirement that a sign be displayed “at each public entrance” (our italics). The type of entrance to which the duty to display a sign is to apply will have considerable impact on the burden imposed. By way of illustration, Royal Mail has over 40 premises in Northern Ireland. These, typically, have at least 2/3 entrances in addition to that provided for members of the public.

A requirement to display signs at all entrances would, contrary to the intent expressed at paragraph 2.7 of the consultation paper, impose a disproportionate and unnecessary burden on businesses. Employers have more effective methods of communicating with their employees and ensuring compliance. These, in conjunction with the publicity which would doubtless accompany implementation, render the cost of provision, erection and maintenance of signs at entrances used only by employees superfluous and, certainly, disproportionate. If there is to be a regulatory obligation to erect signs in premises, we suggest that this should be confined to a requirement to erect a sign at the public or principal entrance only.

Royal Mail contends that a regulatory requirement to display any signage in premises imposes an unnecessary burden on businesses as the publicity accompanying the announcement of the legislation on implementation would undoubtedly be widespread and make it clear to all people, including members of the public visiting Royal Mail premises, that smoking in enclosed and substantially enclosed places will be contrary to the law.

The expression of intent to supply signage meeting these requirements to businesses in the lead-up to implementation is welcome, although some clarification is required:

- Will these be free of charge to businesses?
- Will the Department of Health be able to supply sufficient signs in adequate time?
- How durable will the signs be?

Even if the response to these queries is satisfactory, the cost of erecting and maintaining signs must still be met by businesses and will be substantial. This could be reduced by supply of durable signs to businesses in sufficient quantity at a date sufficiently in advance of implementation so that they may be erected during programmed or other

maintenance visits to premises, thus avoiding the additional expense of a separate project.

Q2: NO

Q2a: A requirement to display signs in all smoke free vehicles is also unduly onerous. It is noted that the provisions of The Smoking (Northern Ireland) Order concerning signs in vehicles and premises differ. Section 7(1) of The Order imposes a duty to display no-smoking signs in premises. This contrasts with Section 7 (2) - “Regulations may provide for a duty corresponding” to the provisions relating to premises. Royal Mail has some 1000 vehicles operating in Northern Ireland. None carry members of the public. Smoking in all these vehicles is already prohibited, and there are more effective measures than signage to communicate the change in law to employees and to secure their compliance. Confining the requirement to display signs to those vehicles which carry members of the public would better reflect the intent that requirements be proportionate and not present an unnecessary burden.

The expression of intent to supply signage meeting these requirements to businesses in the lead-up to implementation is welcome, although some clarification is required:

- Will these be free of charge to businesses?
- Will the Department of Health be able to supply sufficient signs in adequate time?
- How durable will the signs be?

Q3: YES

Q3a: If you wish to comment, please do so here

Q4: YES

Q4a: If you wish to comment, please do so here

Q5: YES

Q5a: If you wish to comment, please do so here

Q6: YES

Q6a: If you wish to comment, please do so here

Q7: YES

Q7a: If you wish to comment, please do so here

