

# Smokefree - What it means for restaurants, cafes and other food businesses

## Are all food businesses covered by the legislation?

Yes. The legislation covers all food businesses, which are used as a place of work by more than one person. Smoking rooms and designate smoking areas will no longer be allowed in any wholly or substantially enclosed building or structure.

## What does '*enclosed*' and '*substantially enclosed*' mean?

Enclosed: the premises has a ceiling or roof and is wholly enclosed, whether on a permanent or temporary basis, e.g. tents, marquees, conservatories.

Substantially enclosed: the structure has a ceiling or roof and there are openings in the walls which are less than half the perimeter of the walls. This is called the '50% rule'.

## What does the legislation mean in practice?

It requires the management to:

- Ensure premises are smokefree.
- Display 'No-smoking' signs in a prominent position. The sign should carry the international red 'no smoking' symbol. Take reasonable steps to ensure that customers and staff are aware that the premises are legally required to be smokefree.

## What about entrances to buildings?

Outside areas are not covered by the legislation. However employers may want to consider making it a policy that smoking is not permitted within a certain distance from outside entrances, if possible, so that staff and visitors do not have to walk through a cloud of smoke to get into the building.

## What about vehicles?

Vehicles used at a workplace by more than one person, regardless if they are not in the vehicle at the same time, will have to be smokefree at all times.

This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks long after a cigarette has been stubbed out. All vehicles will need to prominently display 'no-smoking' signs. See fact sheet on company vehicles.

## Do employers have to provide smoking breaks or outside smoking areas?

No on both counts, by law, employers must give staff an uninterrupted rest break of 20 minutes when their daily working time is more than six hours.

Staff can, of course, smoke during their rest period, if they choose, but they must not smoke in an enclosed or partially enclosed area. As an employer you might like to decide where smoking is allowed elsewhere on your premises eg in open car parks, grounds, or shelters.