



Smokefree Air Law Enforcement: Lessons from the Field



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Smokefree Air Law

Enforcement: Lessons from the Field

INTRODUCTION

The movement toward a smokefree future is accelerating as countries, provinces and cities around the world pass and implement strong smokefree air laws. The rapid spread of these laws is aided by the Framework Convention on Tobacco Control (FCTC), the world's first public health treaty under WHO, which requires all member countries to protect their populations from exposure to tobacco smoke.¹

As more jurisdictions pass strong smokefree air laws, most are finding that enforcement is not as difficult as anticipated. However, effective enforcement does require advance preparation, coordination, and adequate resources.

While there is no “one-size-fits-all” approach to enforcement, this toolkit draws on the experience of jurisdictions that have successfully implemented strong smokefree laws, and captures some of the important lessons common to these efforts.

For more information on the Global Smokefree Partnership or on smokefree policies, please visit the Global Smokefree Partnership website at www.globalsmokefreepartnership.org or email info@globalsmokefreepartnership.org.

EXECUTIVE SUMMARY

SECTION I: SETTING THE STAGE FOR EFFECTIVE ENFORCEMENT

Effective smokefree air law enforcement depends on two vital activities that occur before the enactment of a law: early planning and coordination of all agencies involved in implementing and enforcing the law and sound legislative drafting.

Interagency coordination early in the policymaking process is necessary to achieve the commitment of all agencies, to ensure an adequate budget for implementation, and for coordinating inspection and enforcement roles and responsibilities. If possible, coordination should begin before the law is drafted in order to avoid potentially irreversible policy mistakes in the drafting stage.

Many important enforcement-related decisions are made during the legislative drafting stage. Enforcement experts and advocates should be involved in the process to ensure that the law assigns enforcement authority to the most effective agency or agencies, provides for appropriate penalties, and provides adequate inspection powers and enforcement procedures. Careful drafting with an eye toward enforcement -- providing clear definitions of key terms, avoiding or minimizing exemptions, and establishing clear legal duties -- is needed to create an enforceable law.

SECTION II: PUBLIC EDUCATION AND OUTREACH

One of the most important lessons learned about implementation and enforcement of smokefree air laws is that a sustained public education campaign

begun in advance of implementation builds vital support for smokefree laws. A supportive public and business community in turn leads to high levels of compliance, making smokefree air laws largely self-enforcing. Key objectives include educating the public about the importance of smokefree air, building expectations that the law will be enforced, encouraging businesses to plan ahead, and raising expectations that the law will be widely supported and successful.

Public education and outreach to everyone affected by the law is best achieved with targeted media advocacy and outreach to businesses and employers. Many jurisdictions also have found paid advertising to be an effective strategy, though the cost of this strategy may be prohibitive in some places. In planning and implementing these activities, it is important to involve experienced staff when possible, and to secure buy-in from all affected groups.

SECTION III: DEVELOPING AN EFFECTIVE ENFORCEMENT PLAN

An enforcement plan outlines how important issues, such as inspections, penalties, responding to complaints, and coordination among agencies, will be addressed. The plan should be developed as early as possible and in close collaboration with an interagency task force or similar body responsible for the coordination of overall implementation activities and with the involvement of civil society. Enforcement plans will vary depending on circumstances and needs in a given jurisdiction. They should be grounded in a careful review of the law and any related regulations and designed to ensure consistency, fairness, and transparency in the inspection and enforcement process.

THE ROLE OF CIVIL SOCIETY

Civil society has a vital role to play at every stage of the implementation and enforcement of smokefree air laws. Civil society roles include:

- **Advocating for effective enforcement at every stage of the process.**
- **Participating directly in the implementation and enforcement planning process.**
- **Engaging in public education and enforcement activities that complement government efforts.**
- **Monitoring compliance and reporting violations.**
- **Advocating for solutions to problems as they arise.**

Examples of civil society organizations playing these roles are provided throughout this toolkit.

¹ World Health Organization. WHO Framework Convention on Tobacco Control, Article 8. Geneva: World Health Organization; 2003. Available at: http://www.who.int/fctc/text_download/en/index.html.

SECTION I: Setting the Stage for Effective Enforcement

Effective smokefree air law enforcement depends on two vital activities that occur before the first inspection is carried out or the first fine is imposed: **interagency coordination** and **legislative drafting**.

A. Interagency coordination

All inspection and enforcement-related agencies and civil society experts in smokefree air policymaking and implementation should coordinate and provide input into the policymaking process beginning, if possible, even before the law is drafted. This is crucial to:

- Secure support from all agencies involved in the implementation process;
- Avoid potentially irreversible policy mistakes, such as failing to provide appropriate penalties or assigning inspection or enforcement authority to an inappropriate agency;
- Ensure adequate budgets and other resources for enforcement, public education and other important tasks.

For these reasons, an **implementation task force** or similar entity is usually created early in the process, as the legislation is drafted and debated. While this coordination will vary from place to place, the following are lessons learned from the experience of successful jurisdictions:

- Enforcement experts – from civil society and government agencies – should be involved at all stages; other areas of expertise that should be represented include public education, community outreach, media relations and overall tobacco control policy.
- The coordinating mechanism may evolve from an informal group of policy advisors at the earliest stages to a formally established task force before or immediately after smokefree air legislation is passed.
- The task force may set up a steering committee and appoint subcommittees to develop plans for public education and outreach, inspection and enforcement planning, protocol development, staff training, and other critical tasks, and share them with the larger group for input and coordination.
- Civil society involvement is vital in most jurisdictions. The task force should include civil society representatives whose expertise and support will be important to the success of the policy.
- If direct participation by civil society is not possible on an interagency task force, a separate civil society advisory group could be created to provide appropriate input from businesses (not affiliated or allied with the tobacco industry), unions and labor groups, public health, medical, consumer, environmental, human rights, and other stakeholders.



An active implementation task force or similar entity will require work to organize and administer, but can improve outcomes at every stage of the process, from legislative drafting through enforcement and evaluation. This was true in France, where the appointment of a formal working group involving hospitality trade unions, parliamentarians, government agencies and non-governmental organisations is considered to be one of the main reasons for high compliance with the French smokefree air law soon after its entry into force on 1 January 2008.²

In Ireland, six months before the introduction of the smokefree air law, a National Implementation Group was established comprised of the Irish Health and Safety Authority, the Office of Tobacco Control, and other health agencies. This group was instrumental in preparing for a smooth implementation of the new law, which enjoys 97 percent compliance.³

In Scotland, a National Smoke Free Areas Implementation Group was announced by the Health Minister on 17 December 2004, the very day the Smoking, Health and Social Care Bill was introduced into Parliament. Among other tasks, its remit was to work with those responsible for implementing and enforcing the law. Members included representatives from the Federation of Small Businesses, the Society of Chief Officers in Environmental Health, the Convention of Scottish Local Authorities, the British Hospitality Association, the Confederation of Passenger Transport and the Scottish Licensed Trade Association.⁴

B. Legislative drafting

The smokefree air law and any related regulations must be carefully drafted to facilitate enforcement. Unclear or unenforceable legal provisions can have a disastrous impact on the ability to effectively enforce the law. Key strategies for drafting enforceable legislation and enforcement-related provisions include:

Assigning enforcement authority to the most effective agency or agencies

Perhaps the single most important enforcement-related policy issue is deciding which agency or agencies should have the authority to inspect and enforce under the smokefree air law. Criteria for assigning inspection and enforcement authority include:

- Complete independence from the tobacco industry and its allies;
- Commitment to enforcing the policy;
- A history of success enforcing laws;
- Existing inspection duties covering the places to be inspected under the smokefree law (for example, restaurant health inspectors, workplace safety inspectors); and
- Adequate resources.

It may be useful to authorize several different agencies to enforce the law, each within the area for which it holds responsibility. For example, a complaint about smoking in a restaurant may be handled by a Health Agency, while the Department of Labor may deal with violations in other workplaces. Where enforcement responsibilities are delegated to different agencies, care needs to be

taken to ensure coordination and a consistent and fair approach (see section III, “Developing an effective enforcement plan”). In some cases, existing agencies may not be adequate and a new agency or bureau will need to be created to take on some or all enforcement responsibilities.

Experience shows that most countries assign the duty for inspection and enforcement oversight and coordination to a lead agency at the highest national or subnational level of government. Inspectors are then appointed at the local level, where they can act on local intelligence regarding breaches of the law without delay.

Expert advice from countries with hands-on experience also shows that officers who are most experienced in carrying out inspection and enforcement duties in relation to workplaces and businesses are well-suited for smokefree air law enforcement, and can incorporate this work into their other inspection activities.

The law or regulations should carefully enumerate both the powers available to and the duties imposed upon inspection and enforcement agents. There should be no doubt about agents’ authority to carry out vigorous inspections in all places covered by the law and the duty to take all necessary enforcement actions.

Examples of how smokefree air enforcement authority has been allocated in various countries include:

- In **France**, the capacity to enforce the national smokefree air law rests with police officers, public health medical inspectors, environmental health officers, health and social affairs inspectors, health and safety at work inspectors, security control officers in public transport, and the workplace health and safety committees. Notably, French law also allows NGOs to bring legal actions to enforce the law.
- Agencies responsible for enforcement in the province of **Santa Fé, Argentina**, include the provincial police, the Food and Safety Office in the Ministry of Health, and municipal inspectors. Members of civil society focused on tobacco control issues are also invited to participate.
- In **Scotland**, the local Environmental Health Departments have the responsibility to enforce the smokefree air legislation. Because they also handle food and hygiene inspections, the officers regularly check premises and were therefore able to raise awareness for the smokefree air law ahead of its implementation.
- The **New Zealand** Ministry of Health created a new category of “smoke-free enforcement officers.” These officers are specifically trained to enforce the law in pubs and bars. They take along video cameras to record violations.
- **Italy** has created a special police corps that is responsible for health inspections, the Carabinieri for Health. This agency works with the Italian Ministry of Health in monitoring the national smokefree air law.
- In **Uruguay**, the Ministry of Health’s inspection agencies are responsible for enforcing the law. Results from inspections are posted on a centralized on-line system to monitor compliance with the law, which remains very high.⁵
- In **Panama**, the Ministry of Health is responsible for enforcing the law through inspectors around the country who are organized through regional health bodies that are responsible for coordinating actions and managing resources.⁶

Avoiding or minimizing exemptions

Experience from jurisdictions that have gone smoke-free confirms that clear and simple no-smoking rules are much easier to enforce than those that provide exceptions and create loopholes. For example, if smoking is allowed in specially ventilated rooms, proper enforcement involves difficult determinations about whether the ventilation system meets legal standards and is properly maintained. Similarly, if smoking is allowed in some places or times but not others, educating the public about the complex rules, and enforcing the law, becomes much more difficult.

Establishing clear legal duties

Successful smokefree legislation and regulations identify in clear, simple language exactly what is required. Any ambiguity complicates enforcement efforts. Examples of legal duties for employers and business owners include:

- Posting signs of a specified size and color, in specified locations, with specified wording, displaying the name of the person to whom a complaint should be made in the event of non-compliance and including a telephone number to report violations;
- Removing ashtrays and other paraphernalia that may encourage smoking;
- Taking specific steps to discipline employees who violate smokefree air regulations;
- Taking specific steps to prevent smoking by customers, and to report to law enforcement authorities if a violation persists.

Establishing appropriate penalties

Successful laws establish a clear and simple system for collecting fines to avoid more time-consuming and costly procedures such as arrest, detention and judicial hearings. When possible, enforcement officials should be empowered to issue fines payable by mail or through other simplified procedures that have built in protections against corruption.

Particular fines and levels of fines need to be effective and consistent with legal practices. Penalties set too low may not be respected; penalties that seem excessive may be counterproductive, undermining public support, and making enforcement authorities reluctant to impose them in practice.

Typically, a two-tiered penalty system is established, with a higher level of penalties for businesses than for individuals because different levels of penalties are necessary to provide a deterrent for individuals versus businesses, and because violations by businesses have a greater impact on the effectiveness of the law than those by individuals.⁷

Most countries have established monetary penalties that increase for the second and any subsequent violations. Where consistent with a country's practice and legal system, the legislation also may allow for non-monetary penalties. These may include license suspension or revocation, or criminal sanctions for persistent violations. These "sanctions of last resort" are rarely imposed, but are important tools for enforcing the law against businesses that choose to flout the law repeatedly.⁸



Anticipating and guarding against tobacco industry tactics

The tobacco industry has a long history of attempts to obstruct, delay and weaken smokefree air legislation. Those involved in legislative drafting need to be alert and informed about the tobacco industry's efforts to undermine and interfere in the drafting process.

A common focus of this interference is on weakening the law's provisions. Preventing this requires attention to detail in drafting the legislation, with particular consideration to eliminating and minimizing any exemptions and loopholes that may be exploited by the tobacco industry. This includes avoiding any kind of language that may allow for ventilation, designated smoking rooms or areas, long phase-in periods, and/or limitations on the ability of subnational jurisdictions to implement more stringent smokefree air laws. All the approaches favoured by the tobacco industry are designed to prevent enactment of comprehensive, easy to enforce, smokefree air laws.

Sound legislative drafting for enforcement

- **Consult with enforcement experts when drafting the law.**
- **Define key terms.**
- **Avoid or minimize exemptions.**
- **Assign enforcement authority to the most effective agency or agencies.**
Consider establishing a new enforcement agency if necessary.
- **Clearly define the powers of enforcement officers.**
- **Establish clear legal duties for each component of the law.**
- **Clearly identify offenses, and penalties.**
- **Penalties should be sufficient to deter non-compliance and proportionate to the offense.**
- **Consider using payment-by-mail or other simple methods to collect fines to save administrative and court costs.**
- **Anticipate and guard against tobacco industry efforts to interfere with legislative drafting.**

2 Ratte S, Beguniot E (2008). Personal Communication.

3 Department of Health and Children (2004). Business 2000 case study: Implementing the Smoking Ban. Available online at: http://www.business2000.ie/images/pdfs/pdf_9th/dept_of_health_9th_ed.pdf. Accessed 4 October 2008

4 The Scottish Government (2004): Smoke free legislation

is 'most important for a generation'. Press release of 17 December 2004. Available online at: <http://www.scotland.gov.uk/News/Releases/2004/12/17094618>. Accessed 4 October 2008

5 Gustavo Sónora. Personal Communication. 13 January 2009.

6 Dr. Reina Roa. Personal Communication. 18 January 2009.

7 Pan American Health Organization (2002). Developing Legislation for Tobacco Control. Template and Guidelines. Available online at: http://www.paho.org/english/HPP/HPM/TOH/tobacco_legislation.pdf. Accessed 2 October 2008.

8 WHO (2007). Guidelines on protection from exposure to tobacco smoke. Available online at: http://www.who.int/fctc/cop/art%208%20guidelines_english.pdf. Accessed 9 October 2008.

SECTION II: Public Education and Outreach

Effective public education campaigns have been a hallmark of successfully implemented smokefree air laws. Public education objectives prior to and after the effective date include:

- Increasing public understanding of the need for the new law and of the health and business benefits it provides;
- Raising awareness of the new law: where it applies, what is required, the date it takes effect and penalties for non-compliance;
- Encouraging businesses to plan ahead and providing guidance to them;
- Encouraging smokers to comply with the law;
- Building the expectation that the law will be enforced;
- Communicating ways for the public to help enforce the law;
- Promoting smoking cessation in coordination with implementation;
- Demonstrating that the law is working and is popular, using surveys, air quality monitoring studies and other methods; and
- Countering the influence of those opposing the law.

Accomplishing these objectives requires a sustained and coordinated public education campaign focusing on two broad activities: **educational efforts aimed at the general public** and **specialized outreach to businesses and employers**.

The key to a successful education campaign is to have the same message conveyed through multiple channels. This requires close coordination among all agencies and organizations involved in public education activities. Many countries have convened an interagency task force (see Section I, “Setting the Stage for Effective Enforcement”) or a similar entity which can play a helpful coordinating role.

It is important that this interagency task force (or similar entity) receive detailed input from public health experts, representatives of business and labor interests, media experts and other key constituencies. This may be achieved by including representatives of those constituencies on the task force or by forming a separate civil society advisory group.



The Role of Civil Society in Public Education and Outreach:

Civil Society can play a crucial role in promoting compliance with smokefree air laws by educating the public, decision makers, the media and enforcement agencies. Examples of NGO involvement in public education efforts to strengthen smokefree air law compliance include:

- **In India, advocates trained young people to educate managers and restaurant owners to display boards clearly demarcating smokefree areas as required by the law.⁹**
- **In New Zealand, advocacy groups worked together both locally and nationally to provide information to the public. If one tobacco control organization promoting smokefree environments sparked a media article or letter to the editor, another would respond, backing up the points made by the first organization. To supplement a government-sponsored advertising campaign, NGOs also developed a short print and radio campaign to promote the changes.¹⁰**
- **In the US State of Colorado, the statewide coalition of health and community organizations “Smokefree Colorado” developed an interactive timeline that displayed some of the smoke-free highlights and accomplishments documented by several indoor air quality studies**

to mark the two-year anniversary of the Colorado Clean Indoor Act. This timeline was easily shared on blogs, social networking and other online media websites.¹¹

- **In Davao City, Philippines, the Anti-Smoking Task Force conducted a search for the best smokefree student advocates, who are responsible for monitoring the non-smoking policy in schools and public places near the school, and educating other students about the benefits of going smokefree. An Association of Smoke-Free Davao Advocates was also organized to support the task force in all of its activities.¹²**



A. Educational efforts aimed at the general public

Educational efforts aimed at the general public include using media advocacy techniques to help convey key messages and providing accurate information to the public through websites. Paid advertising can be a powerful tool for public education campaigns, and is recommended where adequate resources are available.

Media advocacy

Media advocacy involves strategic efforts to attract positive media attention to a given subject.¹³ In the context of enforcing a smokefree air law, successful media advocacy harnesses the power of the mass media to promote compliance with the law, and to counter tobacco industry misinformation. Media advocacy approaches can be much less expensive than relying on paid advertising to convey key messages, although paid advertising allows a much higher level of control over what messages are conveyed and how frequently they appear in the media.

The tobacco industry uses public relations efforts to convey the impression that smokefree air laws have negative economic impacts and are unenforceable.¹⁴ Media advocacy campaigns can quickly and systematically rebut tobacco industry misinformation intended to discredit, obstruct or delay implementation of smokefree air laws.

Common media advocacy strategies include:

- Inviting the media to public events involving political leaders, celebrities or other newsmak-

ers to build public awareness of the new law in advance of and on the effective date;

- Issuing press releases and press statements to publicize newsworthy developments such as favorable public opinion polls;
- Providing talking points to journalists and highlighting positive economic and enforcement data from other jurisdictions with smokefree air legislation to respond strategically to negative publicity or attacks.
- Writing letters to the editor or op-ed pieces to expose tactics used by the tobacco industry, its allies and front groups to weaken or challenge the smokefree air law;
- Placing public service announcements promoting compliance with the new law.
- Using polls and other data to show that the law is working, and celebrate its success after it has been in effect for 3, 6 and 12 months.



Examples of successful media advocacy activities include:

- In **England**, the government has set up an organization, *Smokefree England*, to promote the smokefree air regulations including a Smokefree England campaign office that provides information to journalists.¹⁵
- In **Vietnam**, *Healthbridge Vietnam* and the *Vietnam Public Health Association* partnered to support the implementation of the smokefree policy for public areas by using the media to raise policy makers' awareness of the importance of the issue and educate the public to comply with the law. The project successfully increased increase media coverage of the need for high compliance with the smokefree air law.¹⁶
- In **Sweden**, two newspapers partnered with the National Quitline in launching a website encouraging people to log on and make a pledge to quit smoking before the implementation of the law, linking positive media coverage of the smokefree air law to the promotion of smoking cessation. A total of 30,000 people registered online and the initiative was featured continuously in the two newspapers.¹⁷
- In **Panama**, international and national scientific data provided evidence-based support for public education campaigns that featured press releases and other communications by trained media experts representing the Ministry of Health or the Panamanian Coalition Against Tobacco (Coalición Panameña Contra el Tabaquismo).

Establishing a Website

The internet can play a central role in education campaigns in areas where internet usage is high. It is a convenient and interactive source of information, allows for materials to be included for download or ordering, and can be easily updated. Legislative campaigns in many countries have made extensive use of the internet as a readily available source of information. For example, the Hong Kong Council on Smoking and Health's website contains detailed guidance and brochures for the public, restaurant owners.¹⁸ In countries where the use of the internet is not widespread, other media outlets such as radio may be a more effective way to disseminate information to the general public.

A smokefree air law website can serve as a clearinghouse for information, including Frequently Asked Questions (FAQ) sections with questions that may be anticipated from the general public, businesses owners, employers and patrons about the law. It also can provide the opportunity to register online to receive email updates, to link to smoking cessation services, or to report a violation once the law is in effect.

Providing a dedicated section of the website for media relations, where press releases, statements and background information are readily accessible, is important and allows the campaign to drive media to the website for more detailed information.

Paid Advertising

Paid advertising can be expensive but, where feasible, has significant advantages over relying solely on free

media. Advertising can quickly reach a high percentage of the population and tailored messages can be used to reach specific segments of the population. Advertising can also increase media interest in the new law, promote smokefree air law websites, hotline numbers, and increase interest in smokefree public awareness events. Paid advertising can involve the print media, outdoor advertising, radio, television, internet, or some combination. Which media outlets are most effective will vary from one jurisdiction to another.

Creative use of small advertising budgets can attract a significant amount of free media attention. This approach requires coordination with a broader media advocacy campaign and a successful strategy for attracting the attention of the news media.

Lessons from jurisdictions that have conducted successful pre-implementation advertising campaigns include the following:¹⁹

- Pre-campaign research into public knowledge and beliefs about the law, and the likely public response to different messages, improves the likelihood of campaign success. Research techniques include polling, focus groups, surveys and similar methods.
- Advertising that repeats a few consistent messages can contribute significantly to campaign success.
- Staying focused on health-related messages, and in particular the health effects on workers, has proven to be an effective strategy.

- Statements by authority figures and well-known local celebrities can positively influence the public to support smokefree air measures.
- Successful advertisements developed elsewhere can be adapted effectively to other countries, and can serve to guide the creative development of other campaigns.

Examples of successful advertising campaigns include:

- A TV advertising campaign that *Smokefree England* launched in 2006 several weeks before the effective date in **England**. The TV ad showed an “everyday” man walking through different locations including a café, pub, garage and office, all of which covered under the new law. This was complemented with outdoor, press and online advertising in the run up to the implementation date.²⁰
- The “Step Inside” public awareness campaign in **Toronto, Canada** that invited the public to visit Toronto’s smokefree venues after the introduction of the City’s No smoking by-law to bars in 2004. Newspaper and magazine advertisements, transit and subway posters, electronic billboards, web site updates, news releases and a variety of activities and events informed the public about the by-law.²¹
- The awareness campaign “un millón de gracias” (one million thanks) that President Tabaré Vázquez launched in **Uruguay** 10 days before the presidential decree took effect in 2006, aimed at raising public awareness of the new regulations and to thank Uruguay’s smokers for complying with the law.²²
- In **Turkey**, a three week Smokefree Policy implementation campaign was conducted several months after implementation of new countrywide legislation in 2008. The campaign adapted successful ads from Ireland to explain why the new law would benefit everyone and how to comply with it.²³

B. Specialized outreach to businesses and employers

Specialized outreach activities aim to raise awareness among businesses and ensure that the managers understand what the smokefree law requires them to do. Outreach activities also address potential areas of concern such as impact on revenue and problems related to litter and noise.

In order to allow businesses and employers enough time to prepare for the law, jurisdictions have conducted outreach several months ahead of the effective date of the law, including:

- Sending a letter and education kits to all businesses that explain the new law, its effective date, how businesses are expected to enforce it, and how they can obtain necessary signage. Kits have included necessary signage.
- Providing internet-based information for download, including a business education kit, leaflets or flyers, and signage or signage templates.
- Sponsoring events to educate business owners about the requirements of the law and to discuss potential concerns about going smokefree.
- Setting up a toll-free telephone number for businesses and the general public to ask questions and get the most up-to-date information about the law.
- Sponsoring advertisements (newspaper, trade journals, radio, and internet) that explain to businesses what they need to do to get ready

for the law to take effect, and direct them to the smokefree air law website or telephone number for more information.

One of the main outreach tools used by successful jurisdictions is an education kit explaining everything businesses need to know about the new law. Kits usually include:

- Answers to Frequently Asked Questions
- A checklist for action
- A telephone number or website address for further information
- Background and key facts about the new law
- Places where the new law will apply
- How to comply with the new law
- Signage requirements, sample signage, and how to get free signs if they are available
- Sample business smokefree air policies and procedures
- Penalties and fines
- Inspection and enforcement procedures
- Help for smokers who want to quit
- Business and health benefits of going smoke-free
- Related issues such as how to minimize litter and noise concerns

Where resources permit, every business or employer should receive a print copy of the education kit, including establishments that apply for a new business license. These kits can be added to mailings that are already scheduled, such as business licence renewal notices. Employers' organizations and trade unions may also be helpful

in distributing educational materials. Once the law is in effect, enforcement officers may also hand out the kit and other information materials when conducting inspections.

Many countries have provided separate kits for the hospitality sector to address common concerns. The kits provide information showing that smokefree laws have proven to be revenue neutral or to produce economic benefits. The kits explain that smoke-free laws tend to be popular and largely self-enforcing, but provide practical advice on handling non-compliance by patrons. Sector-specific kits may also be useful for segments of the business community or employers that face particular issues, including:

- Health care facilities
- Educational facilities
- Transportation companies/public transport
- Sports clubs
- Retailers
- Small businesses
- Employers who work at home or send staff to work in private premises

Examples of outreach to businesses and employers include:

- A business campaign in **England** launched by *Smokefree England* a half year before the effective date included press and online advertising for two months to raise awareness among businesses and to encourage them to register to receive an education kit. Guidance and signage were mailed to 1.7 million employing businesses three months prior to implementation day. This was followed by regional press and radio activity in the two months prior to implementation to remind businesses what they needed to do to prepare for the new law.²⁴
- A roadshow in **Liverpool, England** with an advertising van (like a mobile billboard) toured the city as part of a local 100-day “implementation countdown” before the entry into force of the national smokefree air law on 1 July 2007, aiming to visit 10,000 businesses in the city to communicate facts about the legislation and answer questions with the help of volunteers from the City Council.²⁵
- In **New Zealand**, the Ministry of Public Health developed an Open Areas calculator that is available over the Internet as a guide for businesses to determine whether an area is “open” or “internal” (i.e. enclosed) for the purposes of the Smoke-free Environments Act 1990.²⁶
- In **Panama**, capacity building trainings were conducted with business owners and managers affected by the law (including in bars, restaurants, casinos, discotheques, and others) in order to guarantee effective implementation.²⁷



Educating the public and reaching out to key stakeholders is essential to building sustained awareness of smokefree air legislation. In building support for and compliance with the law, it is crucial to raise understanding among these key constituencies of how the law affects them and what they need to do.

By focusing on clear objectives, public education campaigns have succeeded in attaining high levels of awareness and public support in many countries. Elements of successful education campaigns can be adapted effectively to other settings and serve to guide the creative development of other campaigns (see annex for useful links).

9 American Cancer Society (2006) Tobacco Control Strategy Planning Guide #4: Enforcing strong smoke-free laws: The Advocate's Guide to Enforcement Strategies. Available online at: <http://strategyguides.globalink.org>. Accessed 4 October 2008.

10 ASH New Zealand (200). Going Smokefree in New Zealand. Lessons from the battlefield. Available online at: <http://www.ash.org.nz/pdf/goingsmokefreeinNZ.pdf>. Accessed 4 October 2008

11 Available online at: http://www.smokefreecolorado.org/data/files/Two-Year%20Anniv-PR_FINAL.pdf

12 Domilyn Villarreiz. Personal Communication. 3 December 2008.

13 National Cancer Institute (2008). The Role of the Media in Promoting and Reducing Tobacco Use. Tobacco Control Monograph Nr. 19. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute. NIH Pub. No. 07-6242 (p338). Available online at: http://www.cancercontrol.cancer.gov/tcrb/monographs/19/m19_complete.pdf. Accessed 6 October 2008

14 Magzamen S, Charlesworth A, Glantz S (2001). Print media coverage of California's smokefree bar law. Tobacco Control, 10:154-160.

15 Available online at www.smokefreeengland.co.uk

16 Healthbridge (2008). Media Advocacy for Smokefree Implementation in Vietnam. Available online at: http://www.healthbridge.ca/tobacco_advocacy_e.cfm. Accessed 14 October 2008.

17 Sanchez S, Boethius G, Nordgren P (2008). Success stories: Sweden. Available online at <http://www.global-smokefree.com/gsp/index.php?section=article&artigo=54>. Accessed 6 October 2008

18 Available online at <http://www.smokefree.hk.cosh/ccs/index.xml?lang=en>

19 Global Dialogue for Effective Stop Smoking Campaigns (2008): International Lessons learned from Secondhand Smoke Campaigns. (A literature review). Draft.

20 Smokefree England (2007). Public information campaign. Available online at: www.smokefreeengland.co.uk/the_facts/campaigns.html. Accessed 25 September 2008.

21 Toronto News Release (2004). Toronto complies with Smoke-free By-law, residents encouraged to step inside for a breath of fresh air. Available online at: www.toronto.ca/health/pdf/smokefree_bylaws_to_bars.pdf, Accessed 6 October 2008.

22 Ministerio de Salud Pública (2006). Presidente Vázquez lanza campana: "Un millón de gracias". Press statement of 20 February 2006. Available online at: http://www.msp.gov.uy/uc_346_1.html. Accessed 10 October 2008.

23 Global Dialogue for Effective Stop Smoking Campaigns (2008): International Lessons learned from Secondhand Smoke Campaigns. (A literature review). Draft.

24 Smokefree England (2007). A guide to the new smokefree law and communications campaign. Powerpoint presentation available at: <http://www.getsetup.net/ioshlm/documents/Smoking%20Presentation%202.ppt> Accessed 6 October 2008.

25 The City of Liverpool (2007). Smokefree countdown begins. Press release. Available online at: http://www.liverpool.gov.uk/News/newsdetail_2079.asp. Accessed 4 October 2008.

26 New Zealand Ministry of Health (2005). Smokefree Law in New Zealand Resources. Available online at: http://www.moh.govt.nz/moh.nsf/wpg_index/about-smokefreelaw-resources-calculator. Accessed 6 October 2008.

27 Dr. Reina Roa. Personal Communication. 18 January 2009.

SECTION III: Developing an Effective Enforcement Plan

Work should begin as early as possible on developing an enforcement plan.²⁸ The plan should be part of an overall implementation plan, and often is devised in close collaboration with the interagency task force or similar body assigned to coordinate implementation activities. Major benefits of developing an enforcement plan early in the process include:

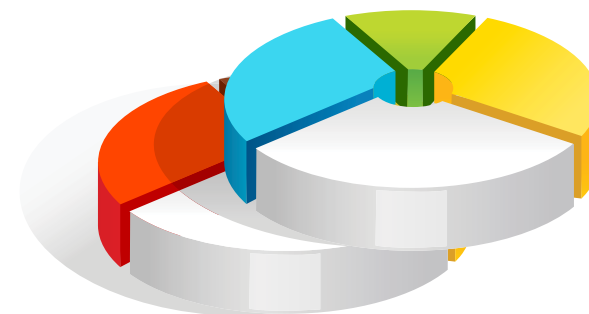
- 1) The process of developing the plan will bring to light issues that have not been researched or thought through, or on which there is not agreement. By beginning the process as soon as possible, there will be time to work through these issues in a thoughtful manner.
- 2) Drafting and reviewing the plan is likely to drive the overall planning process and will be an important tool in facilitating interagency cooperation.
- 3) Once developed, the plan will be an important document for training all staff on the roles they will play and how their roles fit into the broader implementation and enforcement plan.
- 4) The plan will play an important role in determining budget needs and justifying budget requests.

A. Elements of an Enforcement Plan

Details of an enforcement plan, including the terminology used and the approach taken to drafting, will vary from one jurisdiction to another, depending on the scope of the law being implemented and other considerations; however, planners should consider including the following elements in planning documents:

- Overview of the law and regulations: rationale, duties, penalties, and enforcement authority
- Coordination among agencies
- Overall enforcement strategy
- Providing information and managing a toll-free telephone line
- Types of inspections
- Criteria for prioritizing inspections
- Procedure for investigating complaints
- Inspection procedures
- Consulting with lawyers regarding any potential legal challenge to the smokefree air law
- Assessing training needs and providing tools for enforcement officers
- Monitoring and evaluation of the inspection and enforcement process
- Resource needs

Each of these planning elements is described below.



The Role of Civil Society in Enforcement

Civil society organizations can engage in many important enforcement-related actions, including:

Advocating for strong enforcement: A grassroots campaign in the city of Almaty, Kazakhstan, led by members of the local coalition, documented violations of the national antitobacco law. The coalition invited journalists on a series of walking tours of Almaty and videotaped people smoking in public places where it is against the law. They presented this at a public hearing attended by media and several key officials from the local government. In response to this, the officials acknowledged shortcomings in enforcing the law and ensured greater commitment and follow-through.²⁹

Partnering with government in enforcement planning. In Scotland, a National Smoke Free Areas Implementation Group was announced by the Health Minister on 17 December 2004, the very day the Smoking, Health and Social Care Bill was introduced into Parliament. Among other tasks, its remit was to work with those responsible for delivering and enforcing the law. Members included representatives from the Federation of Small Businesses, the Society of Chief Officers in Environmental Health, the Convention of Scottish Local Authorities, the British Hospitality Association, the Confederation of Passenger Transport and the Scottish Licensed Trade Association.³⁰

Training enforcement officials: Following the passage of its smokefree law, The Zambia Consumer Association (ZACA) took a leading role in working with the Ministry of Health to organize workshops to sensitize and train 25 health inspectors, the relevant authorities charged with enforcing the law.

Following the workshop's recommendations, ZACA is now working with the Ministry of Health and international NGOs on the development of an implementation and enforcement manual for their use, as well as a follow-up training with 50 more inspectors.

Monitoring compliance and reporting violations: The Coalition for Tobacco Control Pakistan (CTC-PAK) conducts a survey every three months on an ongoing basis in at least 10 representative regions to monitor and report violations of the existing ban on smoking in public places and public service vehicles, allowing for an observation of changes in the implementation of the national Tobacco Control Ordinance. Observations are made in restaurants, offices, banks, public transport vehicles, commercial areas, and educational facilities. The results are compiled and shared with the Pakistan Ministry of Health and the World Health Organization.³¹

Taking legal action: Certain NGOs in France, including tobacco control and consumer organizations, are empowered by law to bring legal action against employers for failure to comply with the law, and to collect damages for the infractions relevant under the French smokefree law. In addition, the long-serving French Comité National Contre le Tabagisme (CNTC) has special obligations and is under contract with the Ministry of Health to assist in enforcing the French smokefree air law.

Overview of the smokefree air law: rationale, duties, penalties and enforcement authority

Enforcement plans in successful jurisdictions are grounded in a careful review of all applicable laws and any related regulations, with special attention to the duties imposed, penalties for non-compliance, the authority granted by the legislation to one or more enforcement agencies, and the specific powers provided to enforcement officers. There should be special attention to any ambiguities in the law that might affect enforcement, with advice for interpreting ambiguous provisions.

In order to help motivate enforcement personnel and educate them about the broader purpose for their work, the plan also could include information on the public health rationale for smokefree air legislation and may include materials such as “10 reasons to go smokefree” in an appendix or annex.

Coordination among agencies

The enforcement plan should identify the role played by each agency involved in the enforcement process and the mechanisms that will be used to coordinate across agencies. While no single approach will work in all jurisdictions, a model approach includes:

- An implementation task force that includes all agencies and civil society representatives working on implementation. (For more information on interagency coordination, see Section I, “Setting the stage for effective enforcement.”)

- Within the implementation task force, a workgroup on enforcement that includes the agencies responsible for enforcement and relevant civil society organizations. This workgroup would be a good choice to lead development of the enforcement plan.
- Among agencies that require close collaboration, liaison arrangements, cooperative agreements, and similar approaches should be encouraged. For example, where police share enforcement responsibility with specialized agencies, establishing a designated liaison within the police department and in each agency can improve the flow of information, identify solutions to problems, and help build work relationships.

In England, for example, an enforcement agreement among a variety of agencies and regulators sets out the commitments of each agency, such as to pass on intelligence to partner agencies and to alert authorities to potential or actual breaches of the legislation.³²

Enforcement strategy

Agreement on strategic enforcement decisions is critical, such as the overall emphasis given to “soft” methods of enforcement such as education, advice and warnings, versus issuing fines and other sanctions.

A related question is whether the law will be strictly enforced beginning on the effective date or whether an initial “grace period” will be provided. Many jurisdictions have found that it is important to respond to early breaches quickly and decisively

to leave no doubt that the law will be enforced. In Scotland, for instance, this course of action is viewed as one of the factors that made enforcement efforts successful.³³ In Italy, officials lost no time in demonstrating that they would be serious about enforcing the law. Just a minute after the law took effect at midnight on 10 January 2005, a Naples policeman fined a young man for lighting up in a bar.³⁴

Some jurisdictions have successfully allowed an initial “grace period,” during which violations result only in warnings. Most experts caution that a “grace period” is not desirable unless it is standard practice for similar laws, or there has not been sufficient public education or sufficient enforcement planning in advance of the effective date. An alternative “soft” approach is to allow one formal warning to be issued to a business, with fines imposed on any later violations. In either case, experience from diverse countries shows that it is important to communicate a clear date when actual enforcement, including fines, will begin, and to follow through vigorously on that date.

Once a high level of compliance is established, a lower level of enforcement activity will be sufficient, focusing on responding to complaints, conducting routine inspections, and giving special attention to challenges as they emerge.

Providing information and managing a toll-free telephone line

A government-sponsored toll-free telephone line can be used to provide information to callers and to receive reports of violations. These are important functions that can significantly improve compli-

ance rates. Both services can be provided through a single phone number, or separate numbers, depending on how staff and agency responsibilities are organized. However, in practice, some calls to the “complaint line” will need to be handled as information requests, so the two services should be carefully coordinated.

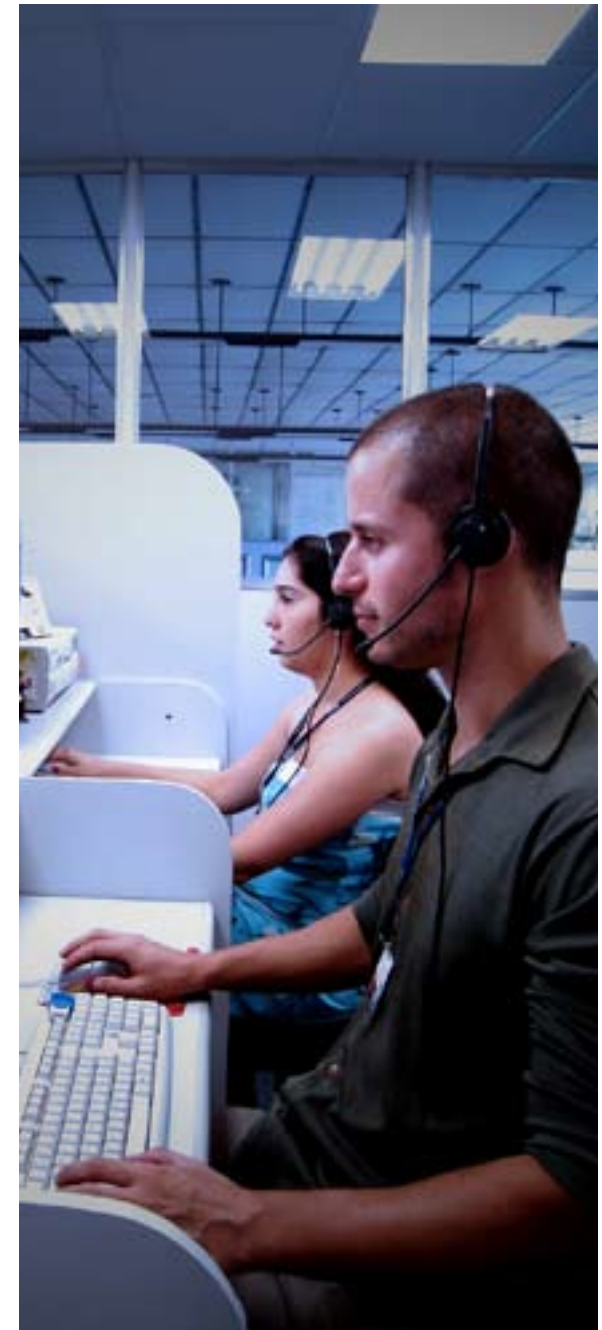
Making all information available on a website is highly recommended as it will reduce the number of calls requesting basic information. Website design and maintenance, as well as telephone support, should be included in the enforcement budget and the quality of service provided should be monitored.

Experts from many jurisdictions agree that managing a toll-free telephone “tip line” or “complaint line” provides valuable information for enforcement. It is an accepted best practice to publicize the toll-free telephone number on required signage so that the public knows how easy it is to report an infraction. The availability of a toll-free telephone line, in and of itself, is thought to have a considerable deterrent effect on those who might consider violating the law.

Ideally, toll-free telephone lines are staffed by trained personnel who can process calls according to the level of urgency and provide information and referrals as needed. The reality in smaller jurisdictions is that the call volume is typically low and the line may be answered by a voice mail service much of the time.

Types of inspection

Enforcement officers may carry out different types



of inspections and follow different approaches. Inspections will either be proactive or reactive.

(A) Proactive inspections are conducted to assess compliance, provide advice and information about the provisions of the law, and offer good practice recommendations, e.g. establishing a smokefree air policy and procedures, removing ashtrays, and making a record of smoking-related incidents. This type of inspection may be conducted on its own or as part of other routine health and safety inspections.

(B) Reactive inspections are made in response to a complaint or other information that raises compliance questions.

According to their primary objective, inspections can be carried out using the following approaches:

- (1) **Overt** inspection – officers announce themselves and show appropriate identification to the person in charge of premises, prior to assessing compliance with the provisions.
- (2) **Covert** inspection – officers assess compliance by observation within the premises, and announce themselves and show appropriate identification at the end of the period of surveillance. This type is more commonly used in response to complaints or other information suggesting that a violation is being committed.
- (3) **Covert and leave** – as above, but officers wait

until following day to discuss findings with the manager of the premises. This approach is applicable if the officer perceives a threat of violence or abuse, or if enforcement at the time is deemed impractical for other reasons.

Officers should choose the most appropriate course of action in order to achieve the highest benefit to the public while ensuring the safety of each officer involved.

Criteria for prioritizing proactive inspections

Some smokefree jurisdictions prioritize inspections according to a risk-based assessment that focuses on characteristics of the premises.^{35,36} For example:

- Those open to a large number of people, as a greater impact can be gained in terms of health protection from assessing compliance in a large nightclub than in a small office;
- Those where it has previously been customary for people to smoke;
- Those where enforcement officers do not usually visit as part of their routine inspections under other legislation;
- Those where it can be anticipated that the management of the premises may have difficulty in securing compliance;
- Those where managers may not realize that the law applies to them.

Procedure for investigating a complaint

The procedure for handling a complaint from initial intake to closing out the record can include:³⁷

- Assessing the nature of the complaint;

- If the complaint is judged to be a query, giving advice and offering to send more information, e.g. leaflets;
 - Carrying out an inspection and/or taking other appropriate action, e.g. verbal or written warning. Inspections arising from complaints should be given priority;
 - Notifying the complainant that the complaint has been investigated and appropriate action has been taken;
 - Completing the complaint record and updating the appropriate database;
 - Filing complaint record and copies of correspondence.
- Record of all smoking related complaints and incidents
2. Collecting and preserving evidence: Inspectors will need to collect and preserve data including witness statements and other forms of evidence to withstand legal challenge, and handle it in accordance with legal requirements. Standards of evidence vary from one jurisdiction to another. Some jurisdictions have found that equipping inspectors with cameras or camcorders can be especially helpful.³⁸

Inspection and investigation procedures

The plan and its appendixes could provide fairly detailed information on inspection and investigation procedures. Key issues to consider include:

1. Assessing compliance: Enforcement officers will need to assess whether the owners or other people in control of the premises have taken all actions required of them under the law to discourage smoking. Whether the management takes additional steps that are recommended as good practice may also be noted.

Examples of issues to assess include:

- Display no-smoking signs as required by the law.
- Procedures (preferably written) for dealing with smoking
- Employee/staff awareness of the no-smoking policy
- Staff training in policy and procedures
- Removal of ashtrays

3. Methods for applying penalties for non-compliance: Inspectors who are authorized to issue warnings and penalties will need criteria for determining whether and how to do so. Factors typically deemed important include whether it is a first or subsequent violation, whether it is intentional or unintentional, whether there was any attempt to deceive or obstruct the inspector, etc.

Each jurisdiction must establish its own standards. However, examples of policies implemented by successful jurisdictions can be helpful. Examples of enforcement protocols, guidance and training materials provided to enforcement personnel in several jurisdictions are included in the annex to this toolkit.

4. Inspection and investigation reports and notices to violators: Inspectors will need to complete and file necessary reports recording their observations and actions. Examples of forms used in successful jurisdictions are included in Appendix II of this Toolkit.

Consulting with lawyers regarding any potential legal challenge to the smokefree air law

Immediate collaboration with the lawyers who would handle litigation is important when it appears that a business may intend to challenge the legality of any portion of the law or the inspection or enforcement procedure.

It is a particularly well-established practice by the tobacco industry in its fight against smokefree air laws to provide funding to front groups who recruit owners of restaurants, bars, clubs and similar venues to campaign against the introduction and enforcement of smokefree air legislation.³⁹

Assessing training needs and providing tools for enforcement officers

The enforcement plan should assess the extent to which enforcement officers will need to be trained. More extensive training will be required if, for example, a new enforcement agency is being established with newly hired staff; relatively less training will be required if enforcement will be handled by police and health inspectors who already have expertise in enforcing similar laws.

In any scenario, tools and training materials will need to be developed regarding every enforcement function, including education, advice, persuasion and formal enforcement action. Training sessions, including role play for those dealing with the public, have been provided in many successful jurisdictions.

The written enforcement plan is an important background document that will provide a com-

mon grounding for all staff involved in enforcement activities. In addition to this, some countries have developed special guidance tools for enforcement officers in different formats (brochures, CD, online).^{40,41} Standard forms, such as inspection and complaint investigation checklists and reporting forms, notice of sanctions (with explanation of appeal rights), and similar forms will help guide enforcers in their duties and ensure the application of consistent methods.

Enforcement training may be offered by a variety of different institutions. In the U.S. State of Massachusetts for instance, trainings were conducted by attorneys from trade associations. In England, the Chartered Institute of Environmental Health provided a training programme for environmental health professionals with the support of the Department of Health, and the English Trading Standards Institute offers ongoing training with an e-learning product for all officers engaged in smokefree air legislation activities.⁴²

Examples of training materials used in successful smokefree air law enforcement efforts are included in the annex to this toolkit, including examples of inspection reporting forms and flowcharts used to describe enforcement procedures.

Monitoring and evaluation

Monitoring and evaluation are essential to identify strengths and weaknesses in the enforcement plan and to make needed corrections quickly, and also feed into the broader evaluation of the success of the smokefree air law. This broader evaluation serves to inform the public about the level of compliance. An evaluation also is an effective way to share lessons

learned with public health authorities worldwide. To the extent enforcement actions are not taken or, if taken, are not upheld due to weaknesses or ambiguities in the law, these challenges can be identified and the enforcement monitoring data can be used to advocate for necessary amendments.

To ensure effective monitoring, all activities related to securing compliance with the smokefree air law need to be properly recorded. This requires the use of a database or means of centrally collecting and tracking enforcement-related information, including:⁴³

- Number of complaints received
- Sample of inspection reports
- Number and seriousness of violations cited
- Number of enforcement actions undertaken and fines imposed
- Percentage of successful enforcement actions and fines paid
- Cost of inspection and enforcement and extent of cost recovery

Ensuring adequate resources

Properly managed smokefree law enforcement is cost-effective. It is usually unnecessary to hire a

large number of inspectors because most inspections can be accomplished using existing programmes and personnel, and because smokefree air legislation usually becomes largely self-enforcing over time. However, resources are required for public education, training of enforcement staff, investigation and prosecution of violators, and for monitoring and evaluation activities.

The enforcement plan should include a section assessing the resources needed to implement the enforcement plan, the resources currently budgeted, and any anticipated shortfall. A plan for obtaining needed resources should be developed. That plan could be included in the enforcement plan and/or in a separate budget planning document to be developed by the broader interagency implementation task force or similar entity with a coordinating role (see Section I “Setting the Stage for Effective Enforcement”).

Possible enforcement funding mechanisms include using fines generated by enforcement efforts, licensing fees, and earmarked tobacco tax revenue. Dedicated funding mechanisms such as these would have to be provided by law. This is another issue that could be considered when smokefree legislation is drafted, or at a later date if enforcement funding difficulties emerge.

28 Some jurisdictions have developed “enforcement protocols,” “enforcement strategies,” “enforcement policies,” and similar planning documents. This toolkit adopts the single term “enforcement plan” to encompass these overlapping concepts.

29 Open Society Institute (2007). Taking on Goliath. Civil Society’s Leadership Role in Tobacco Control. Available online at: http://www.soros.org/initiatives/health/articles_publications/publications/goliath_20070530/a_complete_report.pdf. Accessed 6 October 2008.

30 The Scottish Government (2004). Smoke free legislation is ‘most important for a generation’. Press release of 17 December 2004. Available online at: <http://www.scotland.gov.uk/News/Releases/2004/12/17094618>. Accessed 4 October 2008.

31 Coalition for Tobacco Control Pakistan (2008). Monitoring of the Ordinance on Tobacco Control LXXIV (2002) in 20 Cities of Pakistan. April 2008. Available online at: <http://www.ctcpak.org/archive/mrapr08.pdf>. Accessed 29 October 2008.

32 LACORS (2007). Implementation of Smokefree legislation in England. Guidance for local council regulatory officers. Available online at: http://www.cieh.org/library/Knowledge/Public_health/Smoking_in_the_workplace/LACORS_guide%20MAR07.pdf

33 Duffy A, Brisbane A (2008). Personal communication.

34 Agence France Presse (2005). ‘Smokebusters’ out in force as Italy bans public puffing. 10 January 2005. Available online at: <http://www.mywire.com/a/AFP/Smokebusters-out-force-Italy-bans/699846?extID=10037&oliID=229>. Accessed 22 September 2008

35 The Scottish Executive (2006). Enforcement Guidance and Protocols Smoke-free public places. Guidance for officers in the enforcement of provisions of the Smoking, Health and Social Care (Scotland) Act 2005.

36 LACORS (2007). Implementation of Smokefree legislation in England. Guidance for local council regulatory officers. Available online at: http://www.cieh.org/library/Knowledge/Public_health/Smoking_in_the_workplace/LACORS_guide%20MAR07.pdf

37 The Scottish Executive (2006). Enforcement Guidance and Protocols Smoke-free public places. Guidance for officers in the enforcement of provisions of the Smoking, Health and Social Care (Scotland) Act 2005.

38 Berry R (2003). Smoke police get video-power to monitor pub puffers. The New Zealand Herald, 3 December 2003. Available online at: <http://www.nzherald.co.nz/health/news/article.cfm?id=204&objectid=3537370>. Accessed 11 November 2008

39 Glantz S, Drope J (2003). British Columbia Capital Regional District 100% smokefree bylaw: A successful public health campaign despite industry opposition. Tobacco Control, 12:264–268.

40 The Scottish Executive (2006). Enforcement Guidance and Protocols Smoke-free public places. Guidance for officers in the enforcement of provisions of the Smoking, Health and Social Care (Scotland) Act 2005.

41 LACORS (2007). Implementation of Smokefree legislation in England. Guidance for local council regulatory officers. Available online at: http://www.cieh.org/library/Knowledge/Public_health/Smoking_in_the_workplace/LACORS_guide%20MAR07.pdf

42 LACORS (2007). Implementation of Smokefree legislation in England. Guidance for local council regulatory officers. Available online at: http://www.cieh.org/library/Knowledge/Public_health/Smoking_in_the_workplace/LACORS_guide%20MAR07.pdf

43 Adapted from Lambert P (2008). Unpublished Powerpoint presentation.

Smokefree Air Law Implementation and Enforcement: a Timeline of Tasks and Activities

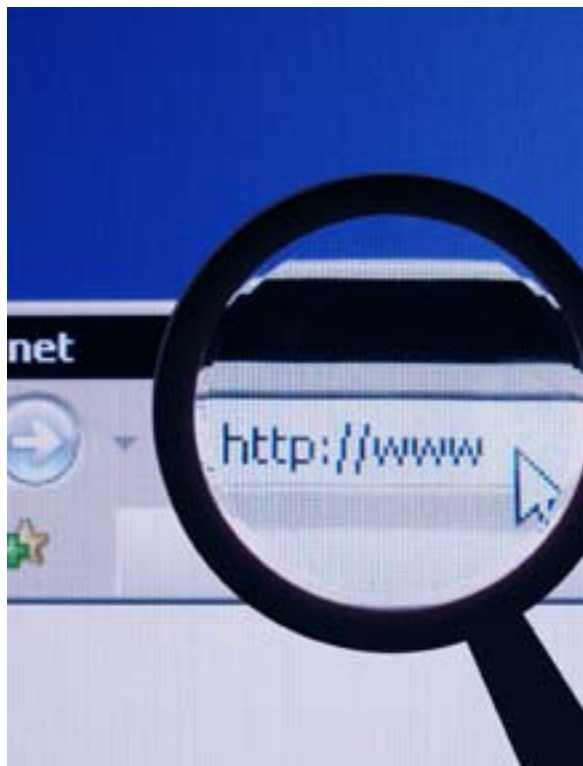
This sample timeline includes many of the activities that successful jurisdictions have found helpful. The timeline and any recommended activities should be adapted to fit the specific circumstances of each jurisdiction.

TASKS - ACTIVITIES	BEFORE PASSAGE	PRE-IMPLEMENTATION	IMPLEMENTATION DAY	POST IMPLEMENTATION
1. Appoint an implementation taskforce or similar entity responsible for coordinating implementation activities, including public education and enforcement.				
2. Involve civil society by establishing formal or informal roles for participation in enforcement and public education efforts.				
3. Ensure coordination between agencies, including liaison arrangements and cooperative agreements.				
4. Involve enforcement experts in drafting the law.				
5. Observe key strategies for drafting enforceable legislation, including: <ul style="list-style-type: none"> • avoid unnecessary complexity in the law; • assign enforcement authority to the most effective agency or agencies; • establish clear legal duties; • establish appropriate penalties; • anticipate and guard against tobacco industry influence. 				
6. Develop an enforcement plan in coordination with the implementation task force.				
7. Identify resources to implement the new law including a budget for enforcement, public education, and outreach.				
8. Identify experienced staff or contractors to develop and run the public education campaign.				
9. Develop required signage				
10. Establish a website				

TASKS - ACTIVITIES	BEFORE PASSAGE	PRE-IMPLEMENTATION	IMPLEMENTATION DAY	POST IMPLEMENTATION
11. Establish a toll-free telephone number for businesses and the general public to ask questions and get current information about the law.				
12. Raise public awareness and support for compliance through media advocacy and, if possible, advertising.				
13. Develop materials for specialized outreach to businesses and employers including: <ul style="list-style-type: none"> • a letter of notification about of the new law, the effective date, and enforcement procedures. • education kits that explain what the new law requires businesses to do, and how they can obtain the required signage. • internet-based information for download. 				
14. Generate positive media coverage and respond to negative media coverage about enforcement issues.				
15. Develop tools and training materials for enforcement staff.				
16. Provide trainings for enforcement authorities and staff.				
17. Manage a toll-free telephone line to receive reports of violations.				
18. Conduct inspections and proactive investigations; follow up on complaints.				
19. Consult with lawyers regarding any potential legal challenges to the law.				
20. Monitor and evaluate level of compliance and impact on health and business.				
21. Plan for and conduct an evaluation of public education and enforcement efforts.				
22. Communicate progress and support for the law <ul style="list-style-type: none"> • Conduct poll • Generate positive media coverage • Celebrate the success of the law at 3, 6 and 12 months past implementation. 				

Annex

This annex links to a variety of public education and enforcement resources available online. Most resources available at this time are from high income countries. The Global Smokefree Partnership is collecting materials from low-and middle-income countries as they become available and will issue an updated Annex in 2009.



I. Public Education and outreach materials

Country level

England

Smokefree England advertising campaign website including public information campaign materials (TV, outdoor, press, internet) as well as business campaign materials (radio, press, internet)

Available online at:

<http://www.smokefreeengland.co.uk/thefacts/campaigns.html>

England becomes smokefree 1 July 2007. Guide to the new smokefree law for businesses and employers. Published by the NHS

Available online at:

http://www.smokefreeengland.co.uk/files/guide_to_the_new_smokefree_law_for_businesses.pdf

Business and employers resources, including a checklist for action, signage, sample smokefree policy, cessation information, compliance data, FAQ-section

Available online at:

<http://www.smokefreeengland.co.uk/what-do-i-do/business.html#resources>

Sample flowchart: How to deal with smoking in a smokefree place. Published by Smokefree England

Available online at:

http://www.smokefreeengland.co.uk/files/how_to_deal_with_smoking_in_a_smokefree_place.pdf

New Zealand

New Zealand Ministry of Health website provides online resources to assist the public to understand their obligations under the Smokefree Act, including pamphlets, post-

ers, stickers, signs, TV commercials, Open Areas calculator
Available online at:

http://www.moh.govt.nz/moh.nsf/wpg_Index/About-smokefreelaw-resources

Northern Ireland

The Northern Ireland Legislation advertising website includes campaign materials such as television, poster and radio advertisements as well as print materials (posters and information leaflets).

Available online at:

<http://www.spacetobreathe.org.uk/article.asp?aid=208>

Republic of Ireland

Office of Tobacco Control press release with information on the public information campaign “Smoke-free works” run in Ireland March and April 2004, including a TV advertisement

Available online at:

http://www.otc.ie/communication_smokefree_camp.asp

Scotland

Scottish Government website provides a “how the law affects you” section including a general public information leaflet, guidance and signage, flowchart to determine whether one’s business is affected, business examples

Available online at:

www.clearingtheairscotland.com/faqs/index.html

Argentina

Programa Nacional de Control del Tabaco offers links to public education, implementation, and enforcement materials
www.msal.gov.ar/hmn/site_tabaco/index.asp (in Spanish)

Brazil

The Associação de Controle do Tabagismo (ACT) features materials on smokefree campaigns, including radio spots, television

ads, posters, and folders, on their website www.actbr.org.br

Chile

The Ministry of Health ran a television and video campaigns in 2007 and 2008 to raise public awareness and support for smokefree policies. The 2007 ads can be viewed at: <http://webhosting.recdsalud.gov.cl/minsal/archivos/campanatabaco/TABACOGUAGUA.wmv> (TV advert 1 - exposing children to secondhand smoke) <http://webhosting.recdsalud.gov.cl/minsal/archivos/campanatabaco/TABACOIMITADORES.wmv> (TV advert 2 - children mimicking adults) [http://webhosting.recdsalud.gov.cl/minsal/archivos/campanatabaco/MinsalRadioimitadores\(1\).mp3](http://webhosting.recdsalud.gov.cl/minsal/archivos/campanatabaco/MinsalRadioimitadores(1).mp3)

Uruguay

Conocimiento y actitudes hacia el decreto 268/005 (unpublished). EQUIFAX/MORI. Available in Spanish at <http://www.bvsops.org.uy/pdf/tabaco00.pdf>

Nigeria

“Tobacco and You” – a weekly tobacco control radio show, features its broadcast emissions at www.tobaccoandyou.com

State, provincial and local level

USA

CAMPAIGN FOR TOBACCO-FREE KIDS
Webpage of print advertisements
Available online at:
<http://www.tobaccofreekids.org/campaign/printads/>

AMERICANS FOR NON-SMOKERS' RIGHTS
Smokefree implementation and “Thank you” advertisements from the US
Available online at:
<http://www.no-smoke.org/document.php?id=338>

ROBERT WOOD JOHNSON FOUNDATION, CAMPAIGN FOR TOBACCO-FREE KIDS, AMERICANS FOR NON-SMOKERS' RIGHTS

Toolkit for implementing smokefree laws, including public education and business outreach materials, signage, implementation timeline
Available online at:
<http://www.goingsmokefree.org>

TOBACCO TECHNICAL ASSISTANCE CONSORTIUM, ROBERT WOOD JOHNSON FOUNDATION, AMERICANS FOR NONSMOKERS' RIGHTS
Developing Smokefree Implementation Regulations (DSIR) toolkit
Available online at:
<http://www.ttac.org/products/DSIR>

Smokefree Colorado implementation press releases and two-year anniversary timeline video
Available online at:
<http://www.smokefreecolorado.org/interior.aspx?Page=5>

Smokefree Illinois signage and business kits
Available online at:
<http://www.smokefreeillinois.org/impres.cfm>

Smokefree Philadelphia media campaign materials, including print advertisements, bus sides and billboards, radio advertisements
Available online at:
http://www.smokefreephilly.org/Media_Campaign.cfm

Australia

Victoria State provides good examples of materials to prepare for smokefree law implementation. Examples of TV ads, brochures, and posters can be found at www.health.vic.gov.au/tobaccoreforms/media.htm
Guiding Principles for Smoke-free Public Places and workplaces Legislation – from the National Health Partnership
www.nphp.gov.au/publications/legislation/smoke_princpls.pdf

II. Enforcement protocols and policies

Country level

Scotland

Enforcement protocol

Available online at:
<http://www.clearingtheairscoltand.com/faqs/enforcement.html>

State, provincial and local level

Canada

County of Ottawa Enforcement protocol
Available online at:
<http://www.co.ottawa.mi.us/HealthComm/Health/pdf/EnforcementProtocol.pdf>

England

Greater Manchester Authorities Smokefree Enforcement protocol
Available online at:
http://www.manchester.gov.uk/downloads/SmokeFree_Enforcement_Protocol.pdf

Australia

Smoke-free Public Places Legislation – Examples of Core Provisions – from the National Public Health Partnership
www.nphp.gov.au/publications/legislation/somke_coreprov.pdf

Hong Kong

Implementation guidelines for smokefree policies – Hong Kong Tobacco Control Office
www.tco.gov.hk/english/downloads/downloads_guidelines.html

III. Guidance and training materials for enforcement agency staff

England

Implementation of Smokefree legislation in England. Guidance for local council regulatory officers. Published by the Local Authorities Coordinators of Regulatory Services (LACORS)
Available online at:
http://www.cieh.org/library/Knowledge/Public_health/Smoking_in_the_workplace/LACORS_guide%20MAR07.pdf

Scotland

Enforcement Guidance and Protocols. Smokefree Public Places. Guidance for Officers in the enforcement of provisions of the Smoking, Health and Social Care (Scotland) Act 2005. Published by the Scottish Executive (2006)

Available online at:

http://www.rehis.org/uploads/attachments/1143061856_EnforcementGuidanceFinal.pdf

Wales

Enforcement Guidance and Protocols. Smokefree Public Places. Guidance for Officers in the enforcement of provisions of the Health Act 2006 and Smoke-Free Premises etc.

Published by the Welsh Local Government Association (WLGA) (March 2007)

Available online at:

<http://new.wales.gov.uk/subsites/smokingbanwales/publications/protocols.pdf?lang=en>

India

Tobacco Control Legislation: Ensuring Effective Enforcement and the Procedures and Practices in Tobacco Control Litigations

www.hriday-shan.org/hriday/ppt/EnforcementoftheTobaccoControlAct2003.ppt

Materials from the National Sensitization Workshop for Law Enforcement Officials for Effective Enforcement of the Indian Tobacco Control Act, 2003

www.hriday-shan.org/hriday/technical-session.html

New Zealand

Smokefree Laws in New Zealand – Frequently Asked Questions – Part 3: Enforcement Powers

www.moh.govt.nz/moh.nsf/wpg_index/About-smoke-free-law-faqs-enforcement

IV. Additional resources

Global Smokefree Partnership Resources

THE FRAMEWORK CONVENTION ON TOBACCO CONTROL ARTICLE 8 TOOLKIT

Available online at:

<http://www.globalSmokefree.com/gsp/index.php?section=artigo&id=137>

WORKING FOR SMOKEFREE AIR: A 2008 STATUS REPORT

Working for a Smokefree Future is the first report to detail the benefits of smokefree workplaces on workers and employers around the world.

Available online at:

<http://www.globalSmokefree.com/gsp/index.php?section=artigo&id=109>

<http://www.globalSmokefree.com/gsp/ficheiro/report.pdf>
(to download report)

SMOKEFREE: THE FACTS

“Smokefree: The Facts” is a series of factsheets focused on providing the evidence to advocates and policy makers for the adoption of smokefree policies. The factsheets were completed in November 2007, available online for download in English, Spanish, French, Portuguese, and Russian at:

<http://www.globalSmokefree.com/gsp/index.php?section=artigo&id=114>

ENACTING STRONG SMOKE-FREE LAWS: THE ADVOCATE’S GUIDE TO LEGISLATIVE STRATEGIES

An American Cancer Society publication aimed at helping advocates with campaigns to promote strong smoke-free laws.

Available online at:

<http://www.cancer.org/downloads/AA/LegislativeStrategies.pdf>

ENFORCING STRONG SMOKE-FREE LAWS: THE ADVOCATE’S GUIDE TO ENFORCEMENT STRATEGIES

An American Cancer Society publication aimed at helping advocates with campaigns to enforce strong smoke-free laws.

Available online at:

<http://www.cancer.org/downloads/AA/EnforcementStrategies.pdf>

WHO resources

WHO Framework Convention on Tobacco Control (FCTC)

Available online at:

<http://www.who.int/fctc/en/index.html>

Guidelines for the implementation of FCTC Article 8 “Protection from exposure to tobacco smoke”, supplemented by an annex with links to the national and sub-national legislations currently in force that most closely conform to these best practice guidelines. Both documents are available online for download in Arabic, Chinese, English, French, Russian, Spanish at:

http://www.who.int/fctc/cop/guidelines_art8/en/

WHO Policy Recommendations on Exposure to Secondhand Smoke

Available online at:

http://www.who.int/tobacco/resources/publications/wntd/2007/pol_recommendations/en/index.html

Tobacco Free Initiative (TFI) Country Cases on Enforcement of Tobacco Control legislation

Available online at:

http://www.who.int/tobacco/research/legislation/case_studies_index/en/index.html



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