

SMOKE-FREE TOOLKIT

IMPLEMENTING FCTC ARTICLE 8 GUIDELINES (PROTECTION FROM EXPOSURE TO TOBACCO SMOKE)



Southeast Asia Tobacco Control Alliance

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(PROTECTION FROM EXPOSURE TO TOBACCO SMOKE)**

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TRAINING PROGRAMME

The training aims to build the capacity and confidence of the smoke-free focal persons in different government and non-government organizations, and equip them with the basic knowledge, skills and tools to strengthen the implementation of FCTC Article 8 guidelines in their cities, states, and provinces.

Learning Objectives:

Upon completion of this two-day training, the participants will be able to:

- Discuss and apply the seven Principles of the FCTC Article 8 Guidelines;
- Assess the different smoke-free settings in the law and discuss how these settings compare with the standard definition;
- Identify and apply the key elements in the smoke-free campaign by using the smoke-free meter;
- Define Compliance and Enforcement; Identify the duties and responsibilities of the organizations in the working group;
- Identify and discuss the enforcement mechanism;
- Identify and apply the 10 steps in making a city smoke-free; and
- Learn to use the social media in strengthening the campaign and the network.

Skills Developed:

- Ability to effectively facilitate the different modules and activities
- Ability to apply the seven Principles of the FCTC Article 8 guidelines in the different smoke-free settings
- Ability to assess the smoke-free law using the smoke-free settings table
- Ability to use and regularly update the Smoke-free Meter to gauge the success of their campaign
- Ability to prepare an effective enforcement mechanism
- Ability to identify the 10 steps in making a city smoke-free

Outcomes:

A group of competent trainers to provide capacity building workshops on smoke-free policies and its enforcement in the six ASEAN countries.

Training Methodology:

- The SEATCA team will explain the rationale and the process of doing the modules and activities.
- The country team members will take turns in facilitating the country discussion.
- A pre and post evaluation on one's knowledge and skills will be done before and after the training.



FCTC ARTICLE 8 GUIDELINES

“PROTECTION FROM EXPOSURE TO TOBACCO SMOKE”

The WHO-Framework Convention on Tobacco Control (FCTC) is an international treaty on tobacco control which was developed in response to the globalization of the tobacco epidemic and is an evidence-based treaty that reaffirms the right of all people to the highest standard of health with 180 countries which are Parties to the Convention.

Based on the Article 8 Guidelines of the WHO-FCTC, the following Principles should be observed:

Principle 1: Effective measures to provide protection from exposure to tobacco smoke require the total elimination of smoking and tobacco smoke in a particular space or environment in order to create a 100% smoke-free environment.

Principle 2: All people should be protected from exposure to tobacco smoke. All indoor workplaces and indoor public places should be smoke-free.

Principle 3: Legislation is necessary to protect people from exposure to tobacco smoke. It should be simple clear and concise. Voluntary smoke-free policies have repeatedly been shown to be ineffective and do not provide adequate protection.

Principle 4: Good planning and adequate resources are essential for successful implementation and enforcement of smoke-free legislation.

Principle 5: Civil society has a central role in building support for and ensuring compliance with smoke-free measures, and should be included as an active partner in the process of developing, implementing, and enforcing legislation.

Principle 6: The implementation of smoke-free legislation, its enforcement and its impact should all be monitored and evaluated. This should include monitoring and responding to tobacco industry activities that undermine the implementation and enforcement of the legislation.

Principle 7: The protection of people from exposure to tobacco smoke should be strengthened and expanded, if necessary; such action may include new or amended legislation, improved enforcement, other measures to reflect new scientific evidence and case study experience.



WHY GO SMOKE-FREE?

- Everyone has the right to breathe clean air, free from tobacco smoke.
- Majority of the world's population are non-smokers and they have the right not to be exposed to other people's smoke.
- Secondhand tobacco smoke (SHS) kills and causes serious illnesses.
- There are 600,000 deaths each year from exposure to SHS.
- Around 64% of the youth are exposed to SHS in public places.
- Smoking bans are widely supported by both smokers and non-smokers.
- 100% smoke-free environments fully protect workers and the public from the serious harmful effects of tobacco smoke.
- 100% smoke-free environments help prevent people, especially the young from starting to smoke.
- 100% smoke-free environments provide many smokers who want to quit with a strong incentive to cut down or stop smoking.
- 100% smoke-free environments are good for business, as families with children, most non-smokers and even smokers often prefer to go to smoke-free places.
- 100% smoke-free cost little and they work.



WHAT IS A SMOKE-FREE CITY?

“A smoke-free city is a city where smoking of any tobacco product and *vaping of any electronic device* is absolutely prohibited in all enclosed places and outdoor public places.”

ELEMENTS OF A GOOD SMOKE-FREE LAW/ POLICY

- Scope or Coverage – includes all enclosed places and outdoor public places
- Well-defined terms
- Prohibited acts and persons liable
- Duty of Compliance
- Enforcement Team
- Penalties and Fines
- Public Compliant
- Funding

DEFINITION OF TERMS

SMOKING – This term should be defined to include being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled.

VAPING – The act of inhaling and exhaling vapor produced by any electronic device whether or not it is used to deliver nicotine to the user.

ELECTRONIC NICOTINE DELIVERY SYSTEM (ENDS) – Refer to any device used to deliver nicotine to the user, that resembles the outward appearance of real smoking products (or mimics the act of smoking).

ELECTRONIC VAPING/ SMOKING DEVICE – Refers to any device, whether or not it is used to deliver nicotine to the user, that resembles the outward appearance of real smoking products.

ENCLOSED PLACES WHERE SMOKING IS NOT ALLOWED – Any place which is enclosed at the sides, whether totally or partially, and is roofed or even if open on all sides but is covered by a roof, permanent or temporary in nature.

PUBLIC PLACES – All places accessible to the public or if more than one person meet or converge, regardless of ownership or right to access.

PUBLIC TRANSPORTATION – Refers to any vehicle, whether mobile or stationary, used in the transport of passengers or available to the public as a mode of transport such as but not limited to..

ACCOMMODATION AND ENTERTAINMENT ESTABLISHMENTS – Refer to establishments that provide food, accommodation, drinks, merchandise, entertainment or other professional services including but not limited to

WORKPLACES – Refer to an area, permanent or temporary, in which a person performs duties of employment or work, regardless of whether the work is done for compensation or on a voluntary basis and includes private offices, common area and any other area which is generally used or frequented during the course of employment or work.

[Company-owned vehicles used for transporting employees and guests or any vehicle used in the course of work are considered workplaces.]

PUBLIC OUTDOOR PLACES/ SPACES – Refer to outdoor spaces that are open to the public or places where facilities are available for the public or where a crowd of people gather, regardless of ownership or right to access such as but not limited to. . . .

PUBLIC [GOVERNMENT] BUILDING:

A building owned by the government or owned by a private person but used, rented or occupied by the government or any of its instrumentalities

A building or structure used for public purposes but controlled by the government without reference to the ownership of the building.



FORMULATING A SMOKE-FREE LAW

SMOKE-FREE PLACES

Coverage

AIRPORTS (BUILDINGS AND OUTDOOR PUBLIC AREA)	PLACES OF WORSHIP
BARS AND PUBS (BUILDINGS INCLUDING OUTDOOR EXTENSION)	PUBLIC TRANSPORTATION
COFFEE SHOPS (BUILDINGS INCLUDING OUTDOOR ACCOMMODATION AREAS)	RESTAURANTS (AIR CON) (BUILDINGS INCLUDING OUTDOOR ACCOMMODATION AREAS)
EDUCATIONAL FACILITIES - Schools (BUILDINGS AND PREMISES)	RESTAURANTS (NON AIRCON) (BUILDINGS INCLUDING OUTDOOR ACCOMMODATION AREAS)
GOVERNMENT OFFICES (BUILDINGS AND OUTDOOR PUBLIC AREA)	SHOPPING COMPLEX (BUILDINGS INCLUDING OUTDOOR PUBLIC AREAS)
HEALTH-CARE FACILITIES hospitals/clinics (BUILDINGS AND PREMISES)	UNIVERSITIES (BUILDINGS AND PREMISES)
HOTELS (BUILDINGS INCLUDING OUTDOOR FACILITIES)	WORKPLACES (BUILDINGS INCLUDING OUTDOOR PUBLIC AREAS)

- Public Area – area where people pass or congregate/where people gather regardless of ownership or right to access
- Outdoor Accommodation Area – an extension or still a part of the establishment where food, drinks are served or other services are being provided
- Premises – refers to the tract of land and the building and buildings thereon, including the open spaces between the buildings located on the same tract of land and within the perimeter of the said tract of land.



SMOKE-FREE PLACES SIMPLIFIED

(Where should smoking be prohibited or not allowed?)

SMOKE-FREE

MEANS



NO SMOKING!



**ENCLOSED OR PARTIALLY ENCLOSED PLACES/
INDOOR PLACES**



PUBLIC PLACES

ENCLOSED/ PARTIALLY ENCLOSED AREA WHERE SMOKING IS PROHIBITED

Area which is enclosed, whether totally or partially, at the sides and is roofed or even if open on all sides but is covered by a roof, permanent or temporary in nature.



PUBLIC PLACES



- May be Indoor or Outdoor where two or more people are gathered regardless of ownership or right to access (includes private workplaces)
- Public outdoor spaces refer to outdoor spaces that are open to the public or places where facilities are available for the public where a crowd or people gather regardless of ownership or right to access
- Example of Public Outdoor Spaces:
 - parks, playground, sports centers, hospital compounds, cemeteries, resorts, gardens, markets, streets, sidewalks, waiting areas, stairwells

DESIGNATING AN OUTDOOR SMOKING AREA



- If the smoke-free law prohibits smoking in all enclosed/indoor places, an outdoor smoking area may be designated but not required. If an outdoor smoking area will not be properly designated, smokers might smoke near entrances or anywhere outdoors unless smoking is not allowed in public outdoor spaces.
- A designated outdoor smoking area must have specifications:
 - It shall be located in an open space with no permanent or temporary roof or walls in an outdoor area;
 - It shall not be located within 10 meters from entrances exits or any place where people pass or where people congregate be 10-20 meters away from entrances of buildings and places where people pass
 - The size of the smoking area should be determined (e.g. the area should not be larger than 5 square meters)
 - No food or drinks shall be served in the designated smoking area.

SMOKE-FREE SETTINGS CHART

ASSESSMENT OF THE COVERAGE OF SMOKE-FREE PLACES

SETTINGS/PLACES	SMOKE-FREE LAW	CITYWIDE ENFORCEMENT OF SMOKE-FREE LAW
AIRPORTS (BUILDINGS AND OUTDOOR PUBLIC AREA)		
BARS AND PUBS (BUILDINGS INCLUDING OUTDOOR EXTENSION)		
COFFEE SHOPS (BUILDINGS INCLUDING OUTDOOR ACCOMMODATION AREAS)		
EDUCATIONAL FACILITIES (BUILDINGS AND PREMISES)		
GOVERNMENT OFFICES (BUILDINGS AND OUTDOOR PUBLIC AREA)		
HEALTH-CARE FACILITIES (BUILDINGS AND PREMISES)		
HOTELS (BUILDINGS INCLUDING OUTDOOR FACILITIES)		
PLACES OF WORSHIP		
PUBLIC TRANSPORTATION		
RESTAURANTS (AIR CON) (BUILDINGS INCLUDING OUTDOOR ACCOMMODATION AREAS)		
RESTAURANTS (NON AIRCON) (BUILDINGS INCLUDING OUTDOOR ACCOMMODATION AREAS)		
SHOPPING COMPLEX (BUILDINGS INCLUDING OUTDOOR PUBLIC AREAS)		
UNIVERSITIES (BUILDINGS AND PREMISES)		
WORKPLACES (BUILDINGS INCLUDING OUTDOOR PUBLIC AREAS)		

LEGEND:

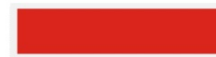
Based on SMOKE-FREE LAW



100% Smoke-free



With Designated
Smoking Room



Allows Smoking Anywhere
(not Included in the Law)

Based on CITYWIDE ENFORCEMENT OF SMOKE-FREE LAW



100% Smoke-free
(All Cities)



50% - 99% of Cities
Smoke-Free



0% - 49% of Cities
Smoke-Free

SMOKE-FREE SETTINGS CHART

ASSESSMENT OF THE COVERAGE OF SMOKE-FREE PLACES

ACTIVITY 1:

INSTRUCTIONS IN FILLING UP THE SMOKE-FREE PLACES CHART

1. The first column shows the different smoke-free places/ settings. In a particular setting, the extent of coverage or the areas that should be smoke-free are identified. e.g. Airport (buildings and public outdoor area) which means that for airports, all the buildings and areas outside the building where people gather like waiting areas should be non-smoking.

2. The second column refers to the smoke-free law/regulation/ordinance that you are currently using. Use the BLUE pen if your law does not allow smoking areas/rooms in the places mentioned or 100% smoke-free. Use the YELLOW pen if your law allows smoking area/room in the places mentioned. Use the RED pen if the law does not mention the setting/place so it allows smoking in that area.

Note: All the places in the Smoke-free Settings Chart are enclosed places and/or public places which should be non-smoking. For example, a restaurant or coffee shop does not allow smoking inside the building but extends the accommodation area outside the building (placing tables and chairs outside the building) so the customers can smoke and at the same time enjoy their food or coffee. The restaurant or coffee shop is not 100% smoke-free but allows an area where people can smoke. The color to be used is YELLOW.

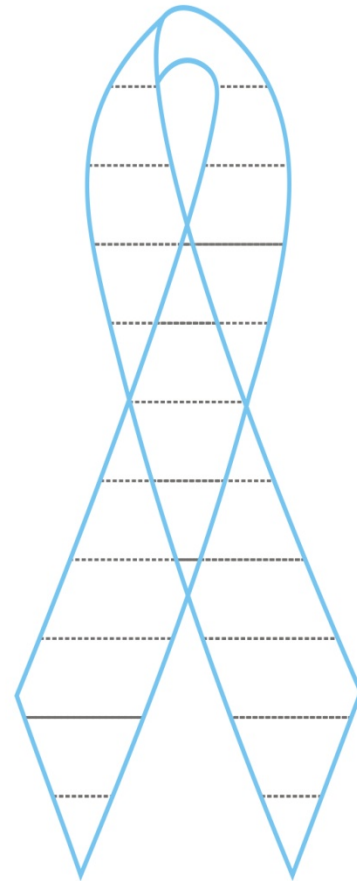
The third column will be answered during the enforcement session of the workshop.



**SMOKE-FREE METER:
YOUR GUIDE AND GAUGE IN MAKING YOUR CITY SMOKE-FREE**

SMOKE-FREE METER

- S** MOKE-FREE ENCLOSED PLACES (Law/Policy)
- T** ASK FORCE/ WORKING GROUP
- O** RGANIZATIONS
- P** OLITICAL WILL
- S** TRATEGIES
- M** ASS MEDIA CAMPAIGN/ MONITORING
- O** UTDOOR ADVERTISEMENTS
- K** EY MESSAGES
- I** MPLEMENTATION/ INSPECTION
- N** EVER NEGOTIATE WITH THE TOBACCO INDUSTRY
- G** OVERNMENT SUPPORT



EVALUATING THE SMOKE-FREE LAW AND ITS ENFORCEMENT

The Smoke-free Meter was based on the key elements of the Smoke-free Davao Campaign. Each key element has to be rated with a corresponding color. Blue color is the highest followed by yellow as the average and red is the lowest. If yellow or red was placed in an element that element needs to be improved and blue is the only acceptable color in an ideal smoke-free campaign.

1. SMOKE-FREE ENCLOSED PLACES AND PUBLIC PLACES (Law/Policy):

- **Blue** – all enclosed places and public places are 100% smoke-free in the City
- **Yellow** – Allows smoking rooms in some places in the City
- **Red** – City has no Law/Policy

2. TASK FORCE OR WORKING GROUP (Enforcement):

- **Blue** – City has a task force or working group strongly enforcing the law in the City; with regular meetings
- **Yellow** – City has a task force but not enforcing the law
- **Red** – City has no task force or working group

3. ORGANIZATIONS (Enforcement):

- **Blue** – Local government actively working with non-government organizations for smoke-free
- **Yellow** – Local government working with some NGOs but not actively involved
- **Red** – City not working with any organization



EVALUATING THE SMOKE-FREE LAW AND ITS ENFORCEMENT

4. POLITICAL WILL (Policy & Enforcement):

- **Blue** – Mayor of the City and other political leaders are actively supporting the smoke-free campaign
- **Yellow** – Mayor of the City and political leaders may be supportive but also entertains the tobacco industry lobby.
- **Red** – Not supportive

5. STRATEGIES (Enforcement):

- **Blue** – City has different initiatives and activities to promote smoke-free and has achieved its goal.
- **Yellow** – City has started or initiated some activities to promote smoke-free but not sustained or did not achieve its goal.
- **Red** – No activities

6. MASS MEDIA (Policy & Enforcement)

- **Blue** – City has the strong support of the media (tv, radio, newspaper) and frequently publish articles or news on smoke-free.
- **Yellow** – City has some support on the media but sometimes they have to pay in order to publish articles or news on smoke-free.
- **Red** – No media support

7. OUTDOOR ADVERTISEMENTS (Enforcement)

- **Blue** – Remove visible advertisements of tobacco products and replace it with tobacco control messages
- **Yellow** – With tobacco control messages in billboards/posters but still allows tobacco product advertisements
- **Red** – Tobacco advertisements allowed everywhere but may or may not have tobacco control messages



8. KEY MESSAGES (Enforcement)

- **Blue** – With strong messages on smoke-free/tobacco control by leaders or key persons in the City
- **Yellow** – With some messages but not being followed by the public
- **Red** – No strong messages

9. IMPLEMENTATION/INSPECTION (Enforcement)

- **Blue** – Enforcers strongly enforcing the law regularly
- **Yellow** – Enforcers may be enforcing but not done regularly/every day
- **Red** – Not enforced

10. NEVER NEGOTIATE WITH THE TOBACCO INDUSTRY (Policy & Enforcement)

- **Blue** – With policy/instructions or follows a national policy not to negotiate with the tobacco industry and strongly enforced
- **Yellow** – With policy/instructions or follows a national policy not to negotiate with the tobacco industry but still works with the TI
- **Red** – No policy

11. GOVERNMENT SUPPORT (Policy & Enforcement)

- **Blue** – With full support from the government
- **Yellow** – May have some support from government but not sustained
- **Red** – No support

ENFORCEMENT OF SMOKE-FREE LAWS

What is Enforcement?

- **Enforcement includes activities undertaken to increase compliance. Enforcement generally refers to the use of inspections and application of sanctions for non-compliance to increase compliance.**

What is Compliance?

- **Compliance - the degree to which a law (or other legislative instrument) is being obeyed.**

DUTY OF COMPLIANCE:

- Individual: has a duty not to smoke where it is prohibited
- Owner, manager or other person in charge of the premises has a duty to:

- **Post signs**



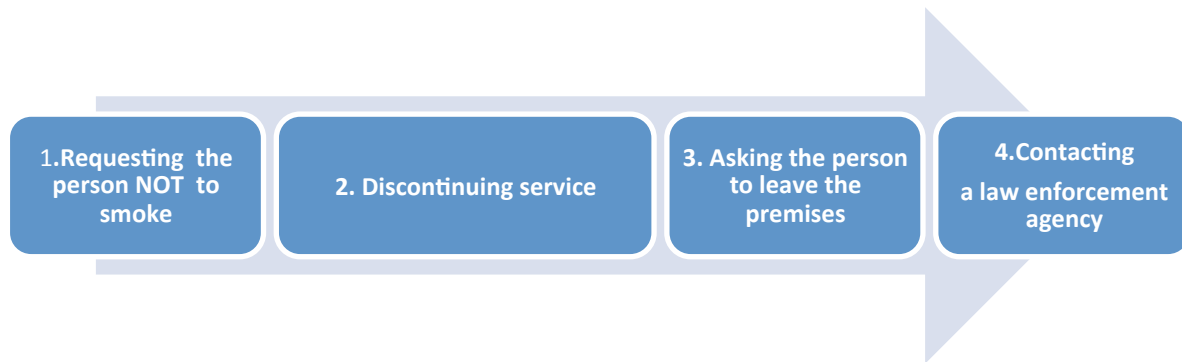
- **Remove ashtrays**



- Supervise the observance of rules
- Take reasonable specified steps to discourage individuals from smoking on the premises. (e.g. asking the person not to smoke or to leave the premises, discontinuing service, or contacting an enforcement authority)

ENFORCEMENT OF SMOKE-FREE LAWS

Steps to Take to Discourage Individuals from Smoking in a Public Place



MECHANISM OF ENFORCEMENT

Who should be the enforcers of your smoke-free law?



The **task force or the working group** is composed of members coming from the different offices of government. Civil society may be involved in this group.

The head of the local government is usually the head of this group but a hands-on supervisor should manage the daily needs of the task force. It is usually composed of the health office, business or licensing department, legal office, information office, tourism office etc.

The task force may have a management unit and a technical unit. The members of the management unit has a lot of other responsibilities so a working group must be organized to work on inspection, monitoring and apprehension of violators.

EVALUATING THE SMOKE-FREE LAW AND ITS ENFORCEMENT



The **law enforcer or the police officer** may be tasked to apprehend a smoke-free violator. This may be an additional work for them other than their main work on peace and order. If this role is being given to them, it should be clearly placed in the law and backed up by a memorandum or order from the chief of police.



The sanitary inspectors under the health department are tasked to inspect the compliance of the business establishments on food and sanitation laws. The role of checking the presence of signages which should be located at the entrance and strategic areas of the building/establishment.



Volunteers might be included as a member of the enforcement team but they have to be well-trained to do such a big responsibility.