



THE LAGOS STATE REGULATION OF SMOKING LAW: IMPLICATIONS FOR WORKPLACE

The Regulation of smoking Law of Lagos State was enacted by the Lagos State House of Assembly on 20th of January, 2014 and signed into law by the Governor of Lagos State on the 17th of February 2014. The law which comes into effect from August 17 2014 prohibits smoking in all public places including factories and places of work. The Lagos State Regulation of Smoking law has some implications for workplace in that the law places some obligations on the employers of labour and further specifically provides that directors, managers, partners and company secretaries shall be held liable for violations of the provisions of the law by corporate bodies.

It is important to reiterate that the history of tobacco regulation in Nigeria is not recent. The earliest known statutory attempt to regulate tobacco usage in Nigeria was the Tobacco (License and Returns) Ordinance of 1958. This law, however, regulated the importation and not the use of tobacco. It was vide the Decree No. 20 Of 1990, the Tobacco Smoking (Control) Decree, that tobacco usage was first regulated in Nigeria.

The Lagos Tobacco Law does not forbid the use of tobacco, it only regulates it by restricting the places where it can be used. The law prohibits smoking in all public places including factories and work places. The law, however, does not regulate smoking in tobacco warehouses and tobacco manufacturing facilities.

The law specifically includes factories and places of work in the schedule of “No Smoking Area” and employers of labour are under legal obligations to take certain steps in compliance with the law. The management, for instance, must ensure that approved “No Smoking” signs are displayed conspicuously at the company entrance including prominent locations throughout the workplace premises. They must also ensure that the workplace premises are fixed with smoke detectors.

There are criminal sanctions for non-compliance with the provisions of the law and repeated violations may result in closure or sealing up of affected premises.

The Lagos State Environmental Protection Agency (LASEPA) is vested with the powers to enforce the law and may be assisted by the Lagos State Environmental and Special Offences Enforcement Unit and other law enforcement agents. A duly authorised officer of the Agency also has powers to enter and inspect the premises to ensure compliance with the law and it is an offence to obstruct such officers in the performance of their duties.

The law has thrown up challenges including a new template for workplace health and safety policy. It is important that every corporate organisation having businesses or presence in Lagos State gets a copy of this law and understand its provisions. The Human Resources managers, HSE advisors, Regulatory and Compliance officers must take steps to educate their workers on the provisions of this very important law and ensure full compliance. Management may also take steps to incorporate the relevant provisions of the law into their HSE policy handbook especially where their operations is limited to Lagos State only.

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