

## IMPLEMENTATION OF THE EVIN LAW IN SCHOOLS: INITIAL SURVEY RESULTS

### Introduction

At the end of ten years' implementation of the law of 10 January 1991, known as the "Evin law", the preliminary results of the first national survey conducted across the whole of the French school community were presented on the occasion of world "No Smoking" Day on 31 May 2002. Carried out across a huge representative sample of primary schools, middle schools and secondary schools in the public and private education sector, this survey meets a two-fold objective: to find out the current situation as regards the practices and attitudes relating to smoking in educational establishments and to measure the efforts achieved by the educational community to tackle this phenomenon.

It draws up a comprehensive inventory, and one which is also as objective as possible, on the ban on smoking in schools.

Remember that, in order to ensure protection for non-smokers, the Evin law forbids "*smoking in places assigned to a collective use, particularly in schools (...) except in places expressly reserved for smokers.*" An implementation decree of 29 May 1992 states that this ban also applies "*as regards public and private primary schools, middle schools and secondary schools, in uncovered places frequented by pupils throughout the time they frequent them*", that this ban "*does not apply in places which, unless it is impossible to do so, are made available to smokers*", and finally that "*minors aged under sixteen... do not have access to the places made available to smokers*".

The questionnaire, which was self-administered and anonymous, focused on the knowledge and opinions in relation to the law, the observance of its provisions, the tobacco behaviour stated and observed in the establishments and the targeted information actions. Tailored to each population, the questionnaires were offered to pupils in middle schools and secondary schools, to primary school heads or establishment heads and to staff in primary schools, middle schools and secondary schools. In total, the survey led to responses being gathered and analysed from around 600 establishment heads, 1 900 members of staff and 10 500 middle school and secondary school pupils.

The results on smoking by children and teenagers who attend school as well as on smoking by adults confirm those from other research work (Cf. For further information, below)

Among the middle school pupils, 6% state that they are daily smokers and 8 % smoke from time to time. Among those at secondary school, these figures stand at 32 % and 12 % respectively, in other words a total of 44%. This prevalence of smoking (daily and occasional combined) culminates in a figure of 59 % for the secondary school pupils aged 18. As other surveys have already established, the behaviour of girls and boys is very similar. There is a significant correlation between smoking by parents and smoking by children.

24 % of the middle school and secondary school staff are daily smokers. In the primary schools where the female composition of the staff is even more pronounced than in the other establishments, only 18 % are regular smokers.

Since the Evin Law was in part devoted to the protection of non-smokers, the question of tolerance in respect of other people's smoke was posed in the survey. In general, the figures obtained are comparable to those of similar surveys. The bother caused by smoke among the secondary school pupils who state that they are non-smokers (30 % are "very" bothered and 18 % "not at all") is a little less frequent than that of the non-smoker middle school pupils (34 % and 16 % respectively). In the middle schools and secondary schools, the staff are less tolerant than the pupils as regards passive smoking, with only 8 % and 9 % respectively stating that they are "not at all" bothered. And, in general, female staff members are more sensitive to ambient smoke whereas, among the pupils, no difference can be seen between boys and girls.

### 1) Knowledge and opinions as regards the law

## Knowledge of the law by young people and adults

Knowledge of the law is mixed according to the age of the individuals. Although 4 out of 5 middle school pupils have not heard of this law, conversely more than half of the secondary school pupils appear to be informed. Regarding the adults, knowledge varies according to the type of establishment. The fact that ban on smoking is absolute for pupils in primary schools leads undoubtedly to a less detailed knowledge of the law on the part of the primary heads and staff alike. In addition, the number of smokers among the staff is fairly low (28 % of them are occasional or daily smokers) and only 28 % of these smokers say that they smoke in the establishment. In the middle schools and secondary schools, 4 out of 5 staff members state that they either know "*the terms of the law in detail*", or that they know its "*outlines*". Globally, the establishment heads know the law better in the secondary schools (53 % know its terms in detail) than in the middle schools (47 %).

## Position vis-à-vis the law

Protection of the rights of non-smokers, and in particular protection for young people, has been stipulated in French regulatory texts since 1977 following the first French law to combat smoking. Then the legislators reiterated this priority of protection for non-smokers by adopting the Evin law in 1991. As far as public opinion is concerned, the few surveys carried out previously<sup>1</sup> have shown strong support for the system in place. A similar result has been obtained in this survey. After being informed about the specific terms of the law, the vast majority of the adult respondents (9 out of 10) stated that they were in favour of the protective provisions of the Evin law, and likewise 4 out of 5 pupils. Among the smokers, the responses are less enthusiastic and, in particular among the youngest pupils (43% of the middle school pupils and 24% of the secondary school pupils who smoke disagree with the law). Nevertheless, 71 % of the middle school pupils and 68 % of the primary school pupils who smoke state that personally they are "*not at all*" bothered by this law.

**Proportion of smokers who state that they are "really" bothered by the law**

	Primary schools	Middle schools	Secondary schools
Pupils who smoke	Not questioned	9 %	6 %
Staff who smoke	2 %	1 %	1 %

Source: IOD

## Opinion on the effectiveness of the law for protecting non-smokers

Although the vast majority of the adults surveyed state that they are in favour of the Evin law, their opinions prove, conversely, to be much more mixed as regards its efficacy, in particular in the secondary schools where only 49 % of the establishment heads consider it sufficiently effective at providing protection for non-smokers. In the primary schools and middle schools, the judgement is fairly positive, without it being possible to talk of unanimity: 64 % of the primary school heads consider the law to be "*fairly*" or "*very*" effective as well as 73 % of the establishment heads in the middle schools (the proportions are equivalent among the staff). The greater number of pupils in secondary schools who smoke and the fact that it is possible for them to smoke in a certain number of establishments highlights this difference in position between the heads of the three types of establishment.

## 2) Formal implementation of the law

### *The creation of areas expressly reserved for smokers*

Remember that, although they are not obliged to do so, schools at secondary level are allowed to create areas reserved for pupils who smoke to which, in principle, access for pupils aged under 16 is prohibited. In middle schools, 7 % of the heads stated that at least one area of this type exists in their establishment. These involve almost exclusively outside areas (playgrounds). In secondary schools, these areas are more common but, nevertheless, fewer than half (40 %) the establishment heads stated that at least one smoking area existed for

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<sup>1</sup> Cf. Conseil national de l'évaluation, Commissariat général du Plan (dir.) *La loi relative à la lutte contre le tabagisme et l'alcoolisme; rapport d'évaluation* [National assessment council, general board of the Plan (dir.) *The law to combat smoking and alcoholism; assessment report*], Paris, La Documentation française, 2000, pp. 131-135

pupils, including in 4 % of cases a space inside the premises. The statements from the middle school and secondary school staff are in line with those of their establishment head.

**Proportion of establishments  
with places reserved for smokers according to the establishment heads questioned**

	Primary schools	Middle schools	Secondary schools
For pupils aged over 16	Not questioned	7 %	40 %
For staff	20 %	77 %	65 %

Source: IOD

The formal implementation of the law as regards the staff reveals differences by type of establishment which are often explicable by problems of size. Only 20 % of the primary school heads confirm the existence of areas reserved for adult smokers. This information tends to be revised downwards in the responses from staff members when they are questioned directly. These restrictions on the right to smoke in the establishment do not prevent localised abuse. In fact, according to the staff, in at least 8 % of the staff rooms at primary level, the right to smoke is absolute. In the middle schools and secondary schools, areas reserved for staff exist in 77 % and 65 % of cases respectively, this information being confirmed by the staff members themselves. At least 6 % of the middle schools and at least 14 % of the secondary schools have a staff room which is totally accessible to smokers, with no protection area for non-smokers.

***The implementation provisions of the law***

When smoking areas exist in the primary schools, these are never indicated, except for some rare exceptions (1%). Only 19 % of the middle schools and 25 % of the secondary schools have put up such signage. The majority of the smoking areas used by adults or pupils are therefore not indicated on the grounds that "*the smokers know*" where they are.

In the majority of cases, the rules of tobacco use are determined by taking into consideration agreements between members of staff and any uses that existed before the law. Only the secondary school heads make any significant mention of there being "*complaints from non-smokers*" (22 % of cases).

According to their head, three-quarters of the secondary schools and 83 % of the middle schools have written the anti-smoking provisions into their internal rules. The staff members at the establishments were also invited to say whether, to their knowledge, the staff had "*participated in drafting the rules on tobacco use*" in the establishment. If one summarises the statements from the members of staff, only a minority of establishments respond in the affirmative: 21 % of the middle schools and 33 % of the secondary schools when the rules concerning the pupils are involved, and 4 % of the primary schools, 10 % of the middle schools and 19 % of the secondary schools for the drafting of the rules applicable to adults. But there are, in all cases, equally few clearly negative responses. The vast majority of the respondents either give differing information within a single establishment, or admit that they do not know. Indirectly, this configuration of responses suggests that in many establishments the rules for staff have not actually been "drafted", and that as far as the pupils are concerned they have not been appropriated by the educational community.

The survey attempted to estimate the frequency of infringements of the rules by the pupils (cf. below) and also the frequency and nature of the reactions from the establishment.

In more than a quarter of the middle schools, reminders and punishments in the event of infringement are frequent. But in a third of them, their head was not able or did not want to respond in detail to these questions. In around half the secondary schools, calls to order are frequent. Nevertheless, the punishments are clearly less frequent here than in the middle schools. Across the whole secondary system, if one considers the extent of the non-responses and differing opinions within a single establishment, the staff do not seem to have a clear idea of the policy in their establishment.

As for the pupils who smoke who admit some infringements, they confirm the relative importance of the punishments in middle schools and their lower frequency at secondary school where more calls to order are used.

In middle schools, the most common punishments are notifying parents (70%), written (48%) or verbal (43%) warning, or extra study hours (30%). At secondary school, the punishments are adapted to the age of the pupils. They range from verbal (58%) or written (44%) warning to notifying parents (40%).

Infringements observed on the part of the adults are rarer. According to those who commit them, they sometimes lead to remarks from colleagues, but rarely to any other reactions.

### ***Difficulties in implementing the law***

It is very clear that the difficulties experienced by the educational community in implementing the provisions of the law increase with the age of the pupils. A threshold is crossed with the move from middle school to secondary school where the prevalence of pupils who smoke has more than tripled.

Difficulties in implementing the law according to the establishment heads

	Primary schools	Middle schools	Secondary schools
Fairly or very difficult	13 %	21 %	62 %
Fairly or very easy	86 %	79 %	38 %
No response	1 %	-	-

Source: IOD

The staff confirm this ranking of difficulties according to the establishment but their opinion differs from that of their heads by a lesser perception of the difficulties.

At secondary school, the main difficulties mentioned are: the "*lack of supervision resources*" (39 % of mentions) then the "*lack of premises*" and the "*attitude of the pupils*". In the other types of establishment, it is the premises and the "*loans for getting the premises up to standard*" that are relatively preoccupying. It can also be noted that 9 % of the secondary school heads consider that the "*attitude of the staff*" creates serious difficulties.

### **3) Observance of the law**

#### ***Infringements by staff***

Several questions in the survey were designed to assess the observance of the law by the adult smokers. An indirect but very synthetic question was posed to the three categories of respondents. It involved finding out whether, in their opinion, adults set "*an example in implementing the law*". The vast majority of the adults are perceived to be setting an example, by both the establishment heads and the staff members. However, this perception becomes less clear in the secondary schools. It is also systematically lower for the pupils than for the adults. Thus, only 27 % of the secondary school pupils consider that "*all the adults*" set an example.

#### **Opinions of the establishment heads, staff members and pupils on the exemplary nature of the adult smokers' behaviour**

	PRIMARY SCHOOLS		MIDDLE SCHOOLS			SECONDARY SCHOOLS		
	heads	staff	establishment heads	staff	pupils	establishment heads	staff	pupils
Fairly positive (1)	83 %	79 %	88 %	83 %	55 %	70 %	70 %	51 %
Fairly reserved (2)	15 %	15 %	10 %	16 %	40 %	30 %	29 %	46 %
No opinion	2 %	6 %	2 %-	1 %	5 %	-	1 %	3 %

Source: IOD

(1) "*Yes, all the adults*" + "*Yes, the vast majority*" set "*an example in implementing the law by not smoking at all or by smoking only in the areas reserved for smokers, if there are any*"

(2) "*Yes, some of them*" + "*Yes, a minority*" + "*No, none of them*" sets "*an example...*"

These observations are reinforced by the fact that the observations by the adult members of staff who smoke outside the authorised areas involve only a minority of the educational establishments, with, nevertheless, significant differences according to the category. Infringements are rarer in the middle schools where it is observed that in 70 % of the establishments the majority of the adult respondents state that infringements by the staff are seen only "*rarely*" or "*never*". But they are more frequent for the secondary schools and the primary

schools. Thus, only 54 % of the primary schools and 46% of the secondary schools observe infringements of the law by adults only rarely or never. The main infringement places are: the playground (way ahead in the case of the primary schools: 60 % of the infringements observed), the staff room and the corridors. Infringements by adults seem to be the actions of a minority of staff smokers, if one is to go by their statements.

Although ill-placed to observe the infringements of the adult smokers in their establishment, either because these take place in the staff room or because they are not up-to-date with the particularities of the rules applicable to staff, the pupils also notice more infringements at secondary school than at middle school.

### ***Infringements by the pupils***

The instances of pupils smoking on middle school premises affect only a minority of pupils but are observed in 4 out of 10 establishments. These figures are principally to be seen in the context of the low prevalence of smoking at this age. Among the 14 % of middle school pupils who smoke, only 1 in 4 states that they smoke in the establishment. Since the rule<sup>2</sup> is a general ban on smoking for middle school pupils, the infringement places are those where consumption can take place out of sight of adults, particularly in the toilets.

In the case of the secondary schools, infringements are observed much more frequently. Only a quarter of the establishments never observe any infringements. For the pupils who smoke, the secondary school is one of the main places they smoke: 8 out of 10 smoke at secondary school, and 1 in 4 smokes outside in any areas provided for this purpose. The infringements are much more visible than in the case of the middle school pupils. At secondary school, the playground is the preferred infringement place.

#### Box: preventive actions

Are the actions to provide information on and raise awareness of the risks of tobacco sufficient? It is clear that not all pupils have benefited from regular preventive information since 1991. The situation appears more worrying in the primary schools where 35 % of the heads say that they are not aware of any action of this type during the past 10 years. Only 4 % to 5 % of the middle school and secondary school heads admit to being in this situation. The staff in the establishments return much less uniform information, suggesting both the fragmented and the non-repetitive nature of the initiatives. As for the pupils, the poor recollection of the measures from which they are supposed to have benefited broadly reinforces the "sprinkling" hypothesis. In fact, to the question "*Was anything done last year, in this middle school or secondary school, to encourage the pupils not to smoke?*", it emerged that the majority of pupils responded positively in only 5 % of the middle schools and, likewise, 5 % of the secondary schools.

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<sup>2</sup> Except for around 7 % of establishments with smoking areas for pupils aged over 16.

## **Method**

The survey, assigned to the *Institut d'Observation et de Décision* [Institute for observation and decision] (IOD), was carried out from 30 November 2001 to 22 March 2002 by 97 professional researchers.

It was undertaken across a sample of 600 establishments in which the establishment head, 2 to 5 members of staff and, at secondary level, around 42 pupils were all questioned.

In total, it led to responses being gathered and analysed from around 600 establishment heads, 1 900 members of staff and 10 500 middle school and secondary school pupils.

The survey was conducted across a random sample, representative of the educational establishments in metropolitan France, out of a base which was stratified by region, size of establishment, type of site (rural or urban setting) and type of education zone (in difficulty or not). It was carried out in 50 randomly selected departments: two departments for each regional education authority.

The classes and staff to be questioned for each selected establishment were determined according to route sampling. All the pupils in the classes drawn by lot, except for those whose parents had refused permission for their child to respond, were questioned during a lesson. Regarding the non-teaching staff, neither the categories without a pupil supervision role (catering, accounting, etc.), nor the nursing staff were questioned. These groups were, in effect, considered to be sufficiently specific in relation to the object of the survey to prevent them being undifferentiated within the staff sample and impossible to represent as they were for reasons of statistical efficacy.

The estimated participation level of the sample is 99 % at primary level and 98 % at secondary level. In the primary schools, the middle schools and the secondary schools, in both the private and public sector, the running of the survey depended on the goodwill of the heads and the reaction of the researchers to the difficulties. In the end, only 40 "double" establishments were used (namely 7 % of the establishments questioned), for a variety of reasons: refusal (18), too far away (9), no longer exist (8), administrative strike (5).

### **For further information:**

- *Conseil national de l'évaluation, Commissariat général du Plan (dir.) La loi relative à la lutte contre le tabagisme et l'alcoolisme; rapport d'évaluation* [National assessment council, general board for the Plan (dir.) *The law to combat smoking and alcoholism; assessment report*], Paris, *La Documentation française*, 2000.
- *IOD/OFDT, Report on the implementation of the Evin law in schools (to be produced)*.
- *OFDT (François BECK, Stéphane LEGLEYE, Patrick PERETTI-WATEL), European School Survey and Alcohol and Other Drugs (ESPAD), France, 1999. Beware of references that are incomplete or inaccessible for French readers. I wonder whether one of the site's web page addresses should be added...*
- *OFDT (François BECK, Stéphane LEGLEYE, Patrick PERETTI-WATEL), Enquête sur la santé et les comportements à l'occasion de l'appel de préparation à la défense [Health and drug use survey during call-up and preparation for defence], 2000 Idem*
- *Karina ODDOUX, Patrick PERETTI-WATEL, François BAUDIER, "Tabac" [Tobacco], in Ph. GUILBERT, F. BAUDIER, A. GAUTIER (dir.) Baromètre Santé 2000, Résultats [Health barometer 2000, Results], Vanves, éditions du Cfes, 2002.*
- *Christel ALIAGA, Le tabac: vingt ans d'usage et de consommation [Tobacco: twenty years of use and consumption], INSEE Première, October 2001, n°808, pp. 1-4*
- *OFDT, Drogues et dépendances, indicateurs et tendances [Drugs and dependence, indicators and trends] 2002, Paris, OFDT, 2002; 368 p.*
- *Jacynthe LOISELLE, Enquête québécoise sur le tabagisme chez les élèves du secondaire [Quebec survey on smoking among secondary level pupils], 2000 – Volume 1, Québec, Institut de la statistique du Québec [Quebec statistics institute], 2001. (<http://www.stat.gouv.qc.ca/>)*