

Smokefree England 1 July 2007 – What it means for company / work vehicles

A law requiring smokefree environments in all workplaces, including work and company vehicles, comes into effect 1 July 2007. The legislation ensures that all workers are protected from the risks to health from tobacco smoke and are guaranteed the right to work in a smokefree environment. The regulations have yet to be approved by Parliament and so this guidance may change.

Are work vehicles covered by the legislation?

Yes, the legislation requires all company and work vehicles eg delivery vans, lorries, heavy goods vehicles etc. used by more than one person to be smokefree. Only the part of the vehicle which is enclosed or substantially enclosed is required to be smokefree.

Does a vehicle have to be smokefree even when only one person is in it?

If the vehicle is used by more than one person, it has to be smokefree at all times regardless of whether they are in the vehicle at the same time. This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks after a cigarette is stubbed out, releasing particles hazardous to health.

What will the legislation mean in practice?

It requires an employer to:

- Ensure all work and company vehicles used by more than one person are smokefree.
- Display 'No-smoking' signs in a prominent position in all such vehicles. The sign should carry the international red 'no smoking' symbol. Signage will be available free from the Department of Health. Register for free signage and guidance at www.smokefreeengland.co.uk.
- Take reasonable steps to ensure that employees are aware that vehicles used for public transport are legally required to be smokefree.

Can employees smoke in their own private cars?

The legislation does not extend to vehicles, including rental or leased ones, used primarily for private purposes. However, some companies have smoking policies which stipulate that employees are not to smoke while on work business, but this is company policy and not a requirement of the legislation.

What about the work premises?

Any enclosed or substantially enclosed spaces has to be smokefree if it is used as a workplace by more than one person or if members of the public and employees who in the course of their work visit the premises. Substantially enclosed is defined as a structure with a ceiling or roof and openings in the walls are less than half the perimeter of the walls (doors and windows are not classed as “openings”). This is called the ‘50% rule’. For more detailed information click onto www.smokefreeengland.co.uk.

Employers will need to ensure that the work premises are smokefree at all times, and that at least one entrance to the premises displays the mandatory A5 ‘No smoking’ signage. All other entrances need only carry a sign similar to that for vehicles used for public transport, e.g. carrying the international red ‘No smoking’ sign. See guidance on signage at the above website.

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

No on both counts. By law, employers must give staff an uninterrupted rest break of 20 minutes when their daily working time is more than six hours. Staff can, of course, smoke during their rest period, if they choose, but they must not smoke in an enclosed or substantially enclosed area. As an employer you must decide whether or not to permit smoking elsewhere on your premises eg in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy.

What are the penalties for non-compliance?

For employers:

- Failure to display minimum no smoking signs: up to £1000 or £200 fixed penalty notice
- Failing to prevent smoking in a smokefree place: up to £2500.

For individuals:

- Smoking in a no-smoking place: up to £200 or a penalty notice of £50

Is there help for staff to stop smoking?

The NHS offers a wide range of excellent, free and easily accessible support for smokers including local Stop Smoking Services, the Together Programme, the NHS Smoking Helpline on 0800 169 0169, www.gosmokefree.co.uk and nicotine replacement therapy (NRT) on prescription. Information about your local NHS Stop Smoking Service is at www.smokefreehampshire.co.uk

Is there help to make my work smokefree?

Yes - log onto www.smokefreeengland.co.uk or phone the **Smokefree England Information Line 0800 169 1697** and register for the latest updates and FREE resources. For local advice and information, visit: www.smokefreehampshire.co.uk