

Smokefree England 1 July 2007 - what it means for company/work vehicles

A law requiring smokefree environments in workplaces, including company and work vehicles, comes into effect on 1 July 2007. The legislation ensures that workers and members of the public are protected from the risks to health from tobacco smoke and are guaranteed their right to a smokefree environment. Final regulations have yet to be cleared by Parliament and the guidance is therefore subject to final parliamentary clearance.

Are work vehicles covered by the legislation?

Yes. The legislation requires all company and work vehicles e.g. 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 the number of people in the vehicle at any one time.

What will the legislation mean in practice?

It requires an employer:

- Ensure all work and company vehicles used by more than one person are smokefree, even if those people use the vehicle at different times or only intermittently.
- Display required 'No-smoking' signage in a prominent position in all such vehicles. The sign should carry the international red "no smoking" symbol. Signage will be available free by registering at www.smokefreeengland.co.uk.
- Take reasonable steps to ensure that employees are aware that the vehicles are legally required to be smokefree and that everyone complies with the law.

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 allowed 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 have 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 which are less than half the perimeter of the walls. This is called the '50% rule'. For more detailed information, visit www.smokefreeengland.co.uk

Employers will need to ensure that the work premises are smokefree at all times. Public entrances to the premises must display the mandatory A5 "No Smoking" signage. All other entrances need only carry the international red 'No Smoking' sign. More information about signage is available on the Smokefree England 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 under 18 are entitled to 30 minutes break after 4½ work). 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 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?

Responsibility for compliance rests with centre personnel accountable for complying with legislation:

- Failure to display required no smoking signs: up to £1000 or £200 fixed penalty notice
- Smoking in a no-smoking place: up to £200 or a penalty notice of £50
- Failure to prevent smoking in an enclosed or substantially enclosed place: up to £2500.

What help is there for staff to stop smoking?

The NHS offers a wide range of excellent, free and easily accessible support for smokers including local NHS Stop Smoking Services, the Together Programme, the NHS Smoking Helpline - 0800 169 0169, and nicotine replacement therapy (NRT) on prescription. For details of stop smoking services in the East of England, visit www.smokefreeeast.co.uk

Where can I get signage and resources?

Log onto www.smokefreeengland.co.uk or phone the Smokefree England Information Line 0800 169 1697 and register for the latest updates, free signage and resources.