

## 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.

### 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 work vehicle have to be smokefree even when only one person is in it?

If the work 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 to:

- 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](http://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. This is an individual company policy and not a requirement of the legislation.

### Can employees smoke in car parks?

As an employer you must decide whether or not to permit smoking in open car parks. This must be indicated in your company smoking policy and ensure staff are aware of the policy.

## 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 (for staff under 18 this is one 30 mins break after four and one half hours 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 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?

Responsibility for compliance rest 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](http://www.smokefreeeast.co.uk)

## Where can I get signage and resources?

Log onto [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk) or phone the Smokefree England Information Line 0800 169 1697 and register for the latest updates, free signage and resources.