



LEAFLET 50

SMOKE-FREE PREMISES AND VEHICLES

SSD&CD

Safety, Sustainable
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AMENDMENT RECORD

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LEAFLET 50

SMOKE-FREE PREMISES AND VEHICLES

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Foreword

This leaflet is published under the authority of the Chairman of the Defence Occupational Health and Safety Board (OHSB). This leaflet is for application across all areas of MOD and the Armed Forces and reflects recent changes in legislation and MOD practises.

1. SCOPE

1.1 This leaflet sets out the Department's policy for smoke-free premises and vehicles. The policy applies to any person regardless of their status or business with the MOD.

1.2 This policy implements, within the MOD and Armed Forces, the Smoking, Health and Social Care (Scotland) Act 2005 and the principles of the Health Act 2006 for England, Wales and Northern Ireland.

1.3 The legislation in Scotland is mandatory and applies to the MOD and is enforceable. The legislation for England, Wales and Northern Ireland does not apply to MOD; however the MOD recognises the need to replicate the principles and requirements of smoke-free legislation contained within the Health Bill. Policy is therefore to follow the legislation and introduce smoke-free premises and vehicles.

2. INTRODUCTION

2.1 One of the single largest causes of preventable premature death in the UK is smoking. Smoking is a major contributor to many serious illnesses, including respiratory problems, vascular disease and various forms of cancer. Secondhand smoke (also known as 'environmental tobacco smoke' (ETS) or 'passive smoking') is a mixture of side stream smoke from the burning tip of a cigarette, and mainstream smoke exhaled by a smoker. Exposure to secondhand smoke has been shown to increase the risk of lung cancer, heart disease and other diseases. It also has an acute irritant effect on the eyes, throat and respiratory tract, and can aggravate asthma.

2.2 Through smoke-free legislation, virtually all 'wholly or substantially enclosed' public places and workplaces are now smoke-free, including all pubs, clubs, membership clubs, cafés and restaurants.

2.3 'Wholly or substantially enclosed' is an area with a ceiling, roof or deck-head that except for doors, windows and passageways, is either wholly enclosed (whether permanently or temporarily); or is enclosed but for an opening which is less than half of the area of its walls or bulkheads. The legal definition can be found in the smoking regulations with more information in Annex A.

3. OBJECTIVE

3.1 This policy recognises that secondhand smoke adversely affects the health of all employees. It is not concerned with whether anyone smokes but with where they smoke and the effect this has on employees and other members of the public (e.g. contractors and visitors).

3.1 The objective is to:

- Protect the health of staff.
- Protect the health of visitors, contractors and users and/or clients of MOD services.
- Inform Commanders/Heads of Establishments, line managers and personnel of their responsibilities in respect of the Policy.
- Support smokers to help them cope with increased restrictions.
- Promote the culture of a smoke-free organisation.

4. SMOKE-FREE ENVIRONMENTS

4.1 Smoking is prohibited within all enclosed MOD and Armed Forces workplaces and vehicles, with the only exception being for:

- a. Service Family Quarters.
- b. MOD Residential Housing.

- c. Designated Service Single Living Accommodation. Local Commanders may if they wish, designate a number of bedrooms in single living accommodation where smoking will be permitted. No person who is unwilling shall be required to occupy, use, work in or pass through a designated 'smoking permitted' bedroom.
- d. Vehicles as defined in section 6.

4.2 In Scotland, England and Wales Commanders/Heads of Establishment should take note of the additional requirement in the MOD wide policy for designated smoking bedrooms to have self-closing doors. This is required as a matter of good practice and to match the regulatory requirement in Northern Ireland.

4.3 All MOD vehicles, including military vehicles (subject to the restrictions of section 6) and 'white fleet', are classed as public vehicles and shall therefore be smoke-free.

4.4 Smoking will remain permitted in the open air on the MOD estate or inside workplaces that do not meet the definition of enclosed premises (see paragraph 2.3 and Annex A). Commanders/Heads of Establishment shall restrict smoking in the open air if safety is compromised.

4.5 Persons who enter MOD premises must be informed of the smoke-free policy by the use of 'No Smoking' signs. Further information on signage is at section 8 and contained within Annex A.

4.6 Outside the UK MOD policy will apply to MOD and Armed Forces premises and vehicles except where civilians and members of the Armed Forces are located in a country where the host nation's legislation requires a stricter regime, in which case the legislation of the host country must be observed.

5. LEASEHOLD PREMISES ON THE DEFENCE ESTATE

5.1 In a few cases, the MOD, as landlord, has granted leases of premises on the UK defence estate on commercial terms to non-MOD persons as MOD's tenant (for example, companies, sole traders or partners who operate their own business in such premises). In cases where smoking in such leased premises is not governed either by the terms of the lease or by MOD establishment standing orders, the management personnel of that business can decide whether to:

- a. introduce now a wholly smoke-free workplace in its MOD-leased premises, or
- b. comply with the English, Welsh and Northern Irish legislation.

Note: All enclosed premises in Scotland (whether leased from MOD or not) are already required to be smoke-free by law.

5.2. In circumstances where non-MOD persons directly supply accommodation, messing or recreational facilities on an MOD establishment to MOD personnel, Commanders/Heads of Establishment shall make it clear that such premises shall comply with this policy.

6. MOD OPERATED SHIPS, BOATS, VESSELS, SUBMARINES AND HOVERCRAFT

6.1 All MOD operated ships, boats, vessels whilst in service are to comply with the policy of no smoking below decks with the exception of RN, RFA and RM ships, submarines, boats and hovercrafts, which are to operate in accordance with BRd 9467 paragraph 0912.

6.2 If not in service (e.g. while undergoing maintenance or awaiting disposal), or permanently moored, MOD operated ships, boats, vessels, submarines and hovercraft are to be considered as 'premises' and must comply with the no smoking below decks policy.

7. VISITORS

7.1 All visitors, contractors, deliverers etc are required to abide by the smoke-free policy. If necessary, MOD personnel are encouraged to inform visitors of the policy; however, they are not expected to enter into any confrontation that may put their personal safety at risk.

8. 'SMOKING PERMITTED' STRUCTURES AND AREAS

8.1 Under legislation there is no requirement to provide smoking shelters for employees. Commanders/Heads of Establishment may, depending on the number of smokers and budgets permitting, provide covered areas for smokers to shelter from the elements.

8.2 Any shelters must not be located adjacent to any doorway or other opening into any enclosed premises, or to any thoroughfare between locations, where they would expose non-smokers to secondhand smoke, or obstruct vehicle or pedestrian movement. Any shelter provided must conform to the size relationship between walls, roof and openings to ensure they are not classified as an enclosed space. Further information is at Annex A. The provision of and access to smoking shelters must also meet the requirements of the Disability Discrimination Act (DDA).

8.3 If smokers are permitted to smoke outside and no specific shelters are provided, Commanders/Heads of Establishment shall issue instructions to ensure that the activity is conducted in a location that is away from entrances into premises, or adjacent to any opening into occupied premises, in order that non-smokers are not exposed to secondhand smoke.

8.4 The use of smoking permitted shelters or smoking permitted areas can result in increased littering. All users should be made aware of any policy on litter and encouraged to use any cigarette bins, ashtrays etc provided and ensure that smoking materials are disposed of safely. Purpose designed non-flammable cigarette bins, ashtrays etc should be positioned away from any entrances to discourage personnel from blocking access ways, and should be accessible to meet the requirements of the DDA.

9. SIGNAGE

9.1 Further information and guidance on signage is given in Annex A.

9.2 MOD Establishments which have entry to the establishment controlled through guard manned entry points must display in a prominent position a 'No Smoking' sign at each of the entry points to the establishment, and which makes clear that it relates to the whole establishment. This also applies to an entrance which is:

- a. an entrance to smoke-free premises from other smoke-free premises: or
- b. an entrance solely for persons to their place of work where that place is in premises which have another entrance at which there is displayed in a prominent position a sign which complies with the requirements above.

Where a. or b. applies a no-smoking sign which displays only the no-smoking symbol may be displayed in a prominent position at the entrance instead.

9.3 Where smoking shelters have been erected, or where bedrooms in service single living accommodation have been designated, a sign indicating 'Smoking Permitted' is to be displayed.

9.4 MOD mini buses, coach vehicles and other vehicles forming part of the 'white fleet' should display at least one 'No Smoking' sign in a prominent position in each compartment of the vehicle. Commanders/Heads of Establishment may, for activities necessary for the Defence Imperative, exempt this requirement for white fleet vehicles when in use in the UK, though the vehicle must remain smoke-free.

9.5 MOD operated ships, submarines and hovercraft only require signs at the initial point of entry. Additional signs may be used to reinforce the policy as required.

10. ASSISTANCE IN GIVING UP SMOKING

10.1 Some smokers may find that the introduction of a smoke-free environment provides the impetus they need to give up smoking entirely. Specialist advice on stopping smoking with support from local cessation services will be provided for smokers.

10.2 Personnel should consult as appropriate either their GP, occupational health nursing advisers, civilian welfare officers or Service Medical Officers, who have contacts with counselling organisations. For example, the Department of Health is promoting a new text messaging scheme to help smokers give up. The 'Together' programme is an extension of NHS Stop Smoking Services with the aim to expand the current services to those people who may not want to quit smoking by using face-to-face services. Participants will receive a series of supportive direct mail packs, text messages, e-mails and call backs as they reach the key stages of the giving up process. Further information is available by contacting the NHS Smoking Helpline on 0800 1690169 or via their website at www.givingupsmoking.co.uk. It has been shown smokers are four times more likely to give up smoking with the support of local NHS Stop Smoking Services and nicotine gum and/or patches.

10.3 Applications from civilian personnel wishing to give up smoking and requesting absence to attend relevant courses will be considered sympathetically, and where possible Line Managers should encourage staff to attend. Where civilian personnel are genuinely seeking to give up smoking, the absence may attract special paid leave subject to a maximum, either in whole days or in aggregate, of 3 days.

11. DISCIPLINARY ACTION

11.1 Commanders/Heads of Establishment are required to incorporate smoke-free premises and vehicles policy in Standing Orders, with departmental disciplinary procedures being applied if there is continued and deliberate abuse of the policy.

11.2 However, such action should be a last resort, with Line Managers encouraged to implement the policy sensitively and to provide support for smokers to enable them to adjust.

11.3 Persistent breaches of the MOD smoke-free policy in England and Wales and outside the UK will put the individual at risk of formal disciplinary action and consequent cumulative disciplinary penalties. Breaches of smoking legislation in Scotland put the individual at risk of prosecution; as will breaches of the proposed smoking legislation in Northern Ireland.

12. RELATED DOCUMENTS

12.1 The following should be read in conjunction with this leaflet.

Legislation and Guidance

- a. Health Act 2006 for England, Wales and Northern Ireland.
- b. Smoking, Health and Social Care (Scotland) Act 2005
- c. The Disability Discrimination Act 2005

13. DEFINITIONS

Armed Forces	All MOD military personnel and any Visiting Forces personnel.
Commanding Officer	Service person in charge of a specific establishment or unit.
Contractor	Workers not directly employed by MOD, or non-MOD organisations, carrying out work activities on MOD owned or controlled sites under the terms of a contract.
Guidance	Information offered to illustrate how an activity may be achieved.
Head of Establishment	Duty Holder with authority over and responsibility for the activities within a MOD establishment (site, building, facility or range) (including those in command of ships and submarines).
Legislation	Statue Law.
Line Manager	A person, military or civilian, with direct responsibility for the safe conduct of the work activity.
Policy	The course of action that the organisation wishes to adopt.
Regulation	A set of mandated requirements for implementation, failure to achieve which can result in enforcement action.
Risk	Likelihood that harm will occur and its consequences.
Secondhand smoke / Passive Smoking	The involuntary inhalation of smoke from tobacco products. It occurs when tobacco smoke permeates any environment causing its inhalation by all people within that environment.

GUIDANCE ON ENCLOSED PREMISES, SIGNS AND SMOKING SHELTERS

CONTENTS

1. Introduction
2. Premises
3. Vehicles
4. Signs
5. Smoking Shelters
6. Fire Safety
7. Related Documents

1. INTRODUCTION

1.1 This Annex provides guidance for smoke-free premises and vehicles and detail of the definitions of terms used in the policy and the signs that need to be displayed.

1.2 Policy implements, within the MOD and Armed Forces, the Smoking, Health and Social Care (Scotland) Act 2005 and the principles of the Health Act 2006 for England, Wales and Northern Ireland.

1.3 Legislation in Scotland is mandatory and applies to the MOD and is enforceable. The legislation for England, Wales and Northern Ireland does not apply to MOD; however the MOD recognises the need to replicate the principles and requirements of smoke-free legislation contained within the Health Bill. Policy is therefore to follow the legislation and introduce smoke-free premises and vehicles.

2. PREMISES

2.1 By premises is meant any building or substantially enclosed public or private area occupied by one or more members of the general public or a workplace whether used by one or more members of staff.

2.2 Premises include:

- a. Any building or part of a building.
- b. Any structure or part of a structure whether movable or otherwise.
- c. Any installation on land (including the foreshore and other land intermittently covered by water).
- d. Any offshore installation including installations floating, or resting on the seabed or the subsoil thereof, or resting on other land covered by water or the subsoil thereof.

- e. Any tent or marquee or stall.

2.3 To be considered 'enclosed premises' it must have:

- A roof.
- Less than 50% of the total area of all the sides opens. (Note: Doors, windows and other areas that can be either closed or open do not form part of the open area).

2.4 The term "roof" includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof, including, for example, a canvas awning. In a vehicle "roof" includes any fixed or moveable structure or device which is capable of covering all or part of a compartment, including any canvas, fabric or other covering, but where a vehicle is engaged in conveying persons, it does not include any fixed or moveable structure or device which is completely stowed away so that it does not cover all or any part of a compartment.

3. VEHICLES

3.1 Any device or contrivance necessitating the conveying of persons within an enclosed space, including cars, vans, ships or hovercrafts.

3.2 The term "compartment" includes each part of a vehicle which:

- a. is constructed or adapted to accommodate persons; and
- b. is, or may from time to time be, wholly or partly covered by a roof.

4. SIGNS

4.1 The "no smoking symbol" means a sign which consists solely of a graphic representation of a single burning cigarette enclosed in a red circle with a red bar across the circle which crosses the cigarette symbol (example below). Size depends on the relevant legislation (see Related Documents) but a circle size of at least 85mm in diameter will be sufficient.



4.2 Persons who enter MOD premises or vehicles must be informed of the smoke-free policy by use of at least one 'No Smoking' notice, which shall be

displayed in a prominent position so as to be visible to and legible by persons in and persons approaching the premises or vehicles, which meets the requirements as detailed in the relevant legislation (see Related Documents).

4.3 If additional "no smoking" signs are displayed to remind persons inside a Premise or inside a controlled entry Establishment/vehicle, such signs must as a minimum contain the "no smoking" symbol.

4.4 When a sign is required to be placed in a vehicle it must as a minimum contain the "no smoking" symbol. Signs should be placed in any compartment of the vehicle which has a roof and which is used by operators or passengers.

4.5 All "No Smoking" signs will need to be displayed in such a manner that it is clear and unobstructed from the view of persons entering the premises or vehicle and are positioned, so far as is reasonably practicable to protect them from tampering, damage, removal or concealment.

5. SMOKING SHELTERS

5.1 If a budget holder has sufficient local funds as to be able to provide a non-enclosed structure for the use of smokers outside enclosed premises, it must conform to the dimensional requirements shown in Figure 1 with more than 50% of its area or shelter walls open. In simple terms, the shelter may have only two sides, either a back and one side or a back and two half sides. Structures such as thick hedges or fences which are very close to smoking shelters will be considered as it's 'walls' as they will contribute to creating an enclosed space.

5.2 There are many different designs that would meet the 50:50 requirements, with one example that would comply shown as Figure 2.

5.3 If shelters are provided the location of such a structure should be selected as to ensure that persons who are not using the shelter will not be subjected to the smoke generated by the smokers.

6. FIRE SAFETY

6.1 In areas where smoking is permitted an adequate number of non-combustible receptacles are to be provided. Spent smoking materials are not to be deposited in, for example, paper or plastic bags but are to be placed in suitable metal containers. Particular attention should be paid to discarded cigarette ends to ensure that they are extinguished and that none have been discarded where they might cause a fire. Smoking receptacles are to be emptied periodically.

7. RELATED DOCUMENTS

7.1 The following should be read in conjunction with this leaflet.

Legislation and Guidance

- a. The Smoke-free (Signs) Regulations 2007
- b. The Smoke-free (Signs) Regulations (Northern Ireland) 2007
- c. The Smoking, Health and Social Care (Scotland) Act 2005
- d. The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
- e. The Smoke-free Premises etc. (Wales) Regulations 2007

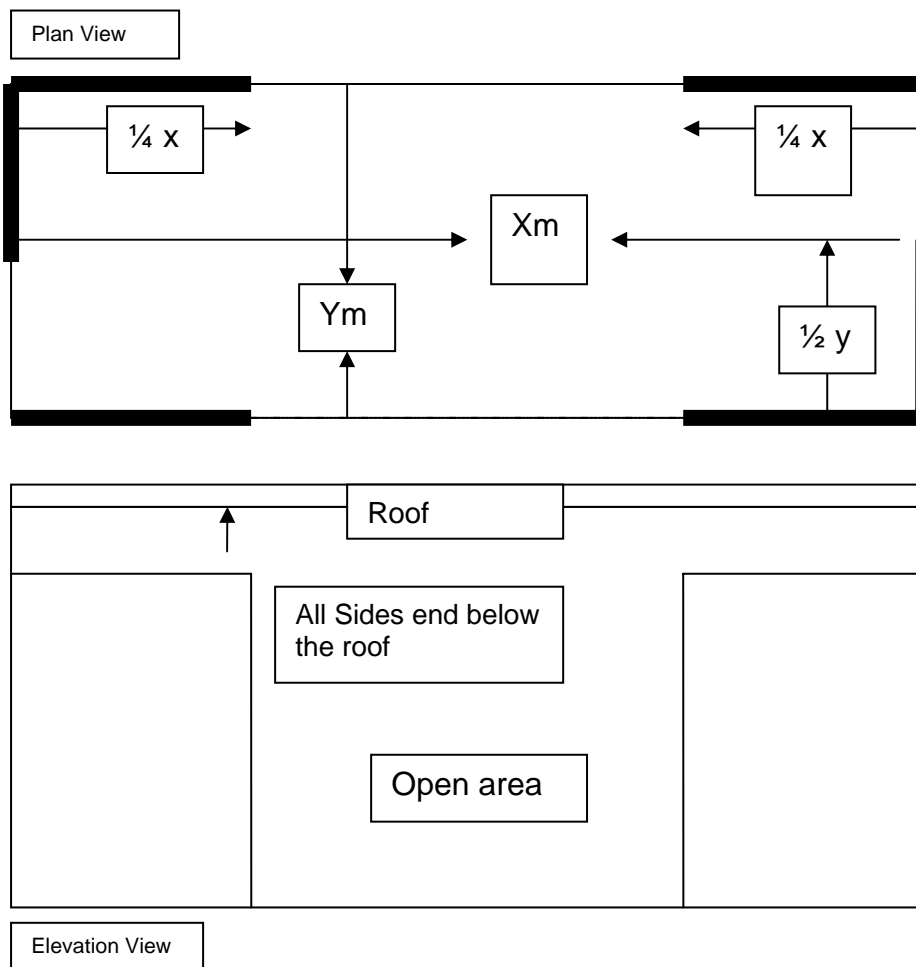


Figure 1 – Smoking Shelter Dimensions

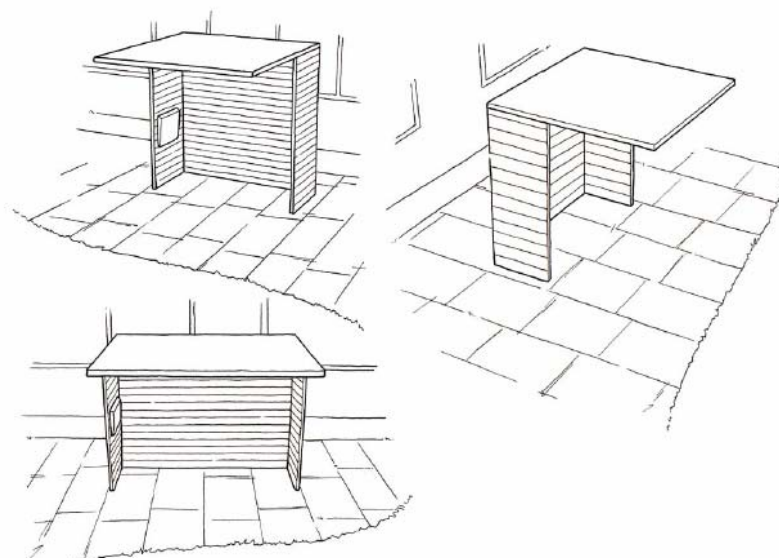


Figure 2 – One Example of a Smoking Shelter Design