

# 13 Smoking in the Work Environment

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## Introduction

1. This chapter provides guidance for the management of smoking in the workplace, this includes Defence establishments, buildings (including temporary structures), and transportation platforms (vessels, ships, boats, road vehicles including White Fleet, hire and pool cars, aircraft, etc.).
2. This chapter does not apply to:
  - a. sites controlled by the United States Visiting Force (USVF) in Great Britain. Local policies developed under US Air Force Instruction (AFI) 40-102 will apply; and
  - b. private accommodation and sites where MOD is not the owner or landlord.
3. Legislation requires virtually all wholly or substantially enclosed<sup>1</sup> public places and workplaces to be smoke-free, including all pubs, clubs, membership clubs, cafés and restaurants.

## Policy

4. To comply with the MOD policy (table 1), in all MOD wholly or substantially enclosed public places and MOD workplaces and vehicles (including White Fleet, hire and pool cars):
  - a. smoking of tobacco products and the use of electronic cigarettes<sup>2</sup> or other devices that produce secondary vapour clouds etc that can be passively inhaled is prohibited; and
  - b. nicotine replacement in the form of chewing gum, patches, throat sprays or nicotine inhalers (which are entirely passive) are permitted.

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<sup>1</sup> wholly or substantially enclosed is defined as a structure with a ceiling or roof and less than 50% of the total area of all the sides is open to the air (doors, windows and passageways that can be either closed or open do not form part of the open area).

<sup>2</sup> electronic-cigarettes may produce secondary nicotine and / or toxic vapour emissions which can affect other staff / visitors or contractors.

## **JSP 375, Volume 1, MOD POLICY**

The MOD shall comply with the requirements of Smoking<sup>3</sup>, Health and Social Care (Scotland) Act, Smoking (Northern Ireland) Order, The Smoke Free Premises etc. (Wales) Regulations, The Smoke Free (Premises and Enforcement) Regulations, and the principles of the Health Act for England and Wales, or a host nation's legislation where it requires a stricter regime (e.g. overseas) than required by UK legislation / Policy.

Table 1.

5. Residents of Service Family Accommodation, Service Single Living Accommodation, and mess accommodation shall be subject to requirements laid down by the individual accommodation provider; and
6. All Royal Navy (RN), Royal Fleet Auxiliary (RFA) and Royal Marine (RM) ships, submarines, boats and hovercrafts shall be managed in accordance with BRd 9600 Chapter 10, paragraph 1029, whilst they are in service.
7. The MOD SEMS policy shall support welfare policies promoting a culture of a tobacco smoke and nicotine vapour free organisation to:
  - a. protect the health of staff (from secondary or passive tobacco smoke / nicotine vapour); and
  - b. protect the health of visitors, contractors and users and / or clients of MOD services.

## **Roles and Responsibilities**

### **Commanding Officer (CO) / Head of Establishment (HoE)**

8. For MOD workplaces not subject to the derogations above, all other CO and supporting HoE must ensure that local smoking policy and procedures are developed and implemented which take into consideration:
  - a. local hazards and risks e.g. storage of fuel, hazardous chemicals, or combustible waste material;
  - b. the need to impose a blanket ban or restrict smoking in certain areas (outside of workplaces and vehicles);
  - c. the separation of electronic-cigarette users and traditional tobacco smokers to ensure that electronic-cigarette users are not exposed to passive tobacco smoke and vice versa;
  - d. the labelling and signage of areas to clearly identify where smoking or the use of electronic-cigarettes is allowed if restricted to specific areas;

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<sup>3</sup> electronic-cigarettes are to be treated the same as tobacco smoking products.

- e. the need for covered areas / shelters to give protection from the elements;
- f. maintenance of covered areas / shelters if provided; and
- g. the provision of adequate number of non-combustible receptacles for disposal of waste smoking material to be provided e.g. stubbing out bins to keep litter waste to a minimum.

9. Local smoking policy and procedures must ensure that smoking is not conducted in a location that is near to entrances, or adjacent to entrances, to occupied premises or thoroughfares where non-smokers could be exposed to second-hand smoke or vapour.

10. If covered areas or shelters with bins and disposal are to be provided, the CO / HoE shall ensure that funding is provided for their purchase and maintenance in agreement with the local infrastructure provider and maintainer. Where smoking or the use of electronic-cigarettes is only allowed in designated areas, separate areas / facilities shall be provided and clearly labelled and signed (the MOD's duty of care extends to personnel who use electronic-cigarettes to protect them from exposure to secondary tobacco smoke from traditional smoking materials and vice versa).

11. Given signage requirements differ under UKs' devolved administration's smoking legislation, for uniformity and ease of application throughout Defence the following more stringent legislative requirements shall be applied:

- a. all no-smoking signs (minimum size 230 x 160mm with a circle size of at least 85mm in diameter) must be displayed so that they are unobstructed from view;
- b. the signs are to include the wording "These are no-smoking premises. It is an offence to smoke or knowingly to permit smoking in these premises. If you observe someone smoking here, a complaint may be made to ....";
- c. no-smoking signs must be displayed at each guarded entry point to the establishment which makes clear that the sign relates to all of the premises on the establishment;
- d. all Defence premises not located on an access-controlled establishment must display a no-smoking sign at each point of entry to the building(s);
- e. any designated areas within the establishment, where smoking is permitted, must be clearly identified; and
- f. additional no-smoking signage should be displayed where fuels, gases or explosives are stored or used in accordance with other health and safety legislation.

12. Since smoking is not permitted in any MOD vehicles, all MOD vehicles (unless it may compromise security, e.g. covert surveillance) shall have no-smoking signage which is positioned, so far as is reasonably practicable to protect them from tampering, damage, removal or concealment. MOD mini buses, coach vehicles and other vehicles forming part of the 'White Fleet' shall display at least one no-smoking sign in a prominent position in each compartment of the vehicle.

13. Where smoking is not permitted as part of a risk-control in a site regulated by a Statutory or Defence Regulator, enforcement may be appropriate in addition to any fines defined by the devolved parliamentary administration's legislation.

14. Defence 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.

15. The designation of areas where smoking is permitted on the Defence estate outside of workplaces and vehicles is to be managed locally (through engagement and agreement with the Defence personnel concerned, Trades Union and safety representatives).

16. If not in service (e.g. while undergoing maintenance or awaiting disposal), or permanently moored, RN, RFA and RM ships, submarines, boats and hovercrafts are considered as a 'premises' and smoking below decks is prohibited. Smoking above deck, if permitted, will be in designated places only.

17. Where the MOD, as landlord, has leased premises on the UK Defence estate on commercial terms to non-Defence personnel, smoking in such leased premises must be prohibited in the terms of the lease.

### **Infrastructure Provider**

18. The infrastructure provider must ensure that at each guarded entry point to all MOD establishments a no-smoking sign is displayed in a prominent position which makes it clear that it relates to the whole establishment / building.

19. The infrastructure provider shall to ensure adequate routine inspections and maintenance for signage is undertaken.

20. Where a covered area / smoking shelter is provided, it must be constructed in such a way that more than 50% of the total area of all the sides are permanently open (hedges or fences which are very close to smoking shelters will be considered as 'walls' as they will contribute to creating an enclosed space) and compliant with any host nation legislation to ensure they are not classified as an enclosed space. Covered areas / shelters, if provided, must:

- a. not be located adjacent to any doorway or other opening into any enclosed premises to prevent smoke re-entering enclosed premises; or

- b. not be located on any thoroughfare between locations, where non-smokers could be exposed to second-hand smoke / electronic-cigarette vapour;
- c. not obstruct vehicle or pedestrian movement;
- d. meet the requirements of The Equality Act (EA) for access and egress;  
and
- e. have clear and suitable signage.

21. The infrastructure provider must ensure any covered areas or smoking shelters they provide or accept maintenance responsibility for are routinely maintained and inspected in accordance with manufacturer's instructions.

### **All Personnel**

22. Defence personnel, visitors and contractors who smoke must comply with Defence policy and local procedures when working on the Defence estate or in vehicles provided by MOD or White Fleet. If smoking is permitted outside on the Defence estate, it must be restricted to designated smoking areas only and personnel are not to smoke / use electronic cigarettes near entrances or adjacent to any opening providing access to or egress from premises.

23. Particular attention should be paid to discarded cigarette ends / smoking materials to ensure that they are extinguished and that none have been discarded where they pose a risk of causing a fire. All waste smoking materials must be disposed of in suitable containers in accordance with local policy / procedures.

24. Electronic cigarettes or "e-cigs" are classed as "smoking materials" under MOD policy and can only be used in designated areas.

25. Passive nicotine inhalers which do not produce any vapour emissions containing nicotine or other toxins are not classed as smoking materials under MOD policy and their use is permitted in the workplace / vehicles.

26. Personnel must not intentionally deface or remove signage or tamper with any systems installed for fire detection.

27. Personnel should report any breach in the smoking policy through their management chain in accordance with CO / HoE local policy and procedures.

28. Some smokers may find that the introduction of a smoke-free environment provides the impetus they need to give up smoking entirely. Personnel should consult, as appropriate, their GP, occupational health nursing advisers, civilian welfare officers or Service Medical Officers, who have contacts with counselling organisations. Further information is available via various websites (see Related Documents – Other Guidance).

## Rationale and reasons for this policy

29. The one of the largest causes of preventable premature death in the UK is smoking of tobacco or nicotine containing products. Smoking is a major contributor to many serious illnesses, including respiratory problems, vascular disease and various forms of cancer.

30. Second-hand tobacco smoke (also known as 'passive smoking') is a mixture of side stream tobacco smoke from the burning tip of a cigarette / cigar, pipes etc, and smoke exhaled by a smoker. Exposure to second-hand tobacco 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.

31. The liquids used in electronic-cigarettes (e-cigs) are currently unregulated and may contain carcinogens and other toxic substances including nicotine (all of unknown concentrations) and produce vapour emissions that can be seen, smelt and passively inhaled.

## Related Documents

32. The following documents should be consulted in conjunction with this chapter:

- a. Other MOD Publications;
  - (1) BRd 9600 – Ships General Orders (SGO).
- b. Legislation and Guidance;
  - (1) [Health Act 2006](#);
  - (2) [Smoking \(Northern Ireland\) Order 2006](#);
  - (3) [Smoking, Health and Social Care \(Scotland\) Act 2006](#);
  - (4) [The Smoke-free \(Premises and Enforcement\) Regulations 2006](#);
  - (5) [The Prohibition of Smoking in Certain Premises \(Scotland\) Regulations 2006](#);
  - (6) [The Smoke free Premises etc. \(Wales\) Regulations 2007](#);
  - (7) [The Smoke-Free \(Signs\) Regulations \(Northern Ireland\) 2007](#);
  - (8) [The Equality Act 2010](#);
  - (9) [The Smoke Free \(Signs\) Regulations 2012](#);
  - (10) [The Smoke Free Premises etc. \(Wales\) Amendment Regulations 2016](#).

c. Other Guidance;

- (1) [smokefree.nhs.uk](https://www.smokefree.nhs.uk) - Free resource for assistance on helping to give up smoking;
- (2) [smoke free.gov](https://www.smokefree.gov) - A free resource including smoking quit coaches and quit plans supporting those wishing to quit smoking or chewing tobacco;
- (3) [No Smoking Day – Provides support to smokers on quitting and for professionals. Includes advice and press office information on National No Smoking Day;](#)
- (4) [Stoptober – Campaign for smokers to give up smoking for 28 Days from 1st October each year.](#)