



Legislation for Smoking in the Workplace

On February 14, 2006, MPs voted 384 to 184 in favour of comprehensive legislation prohibiting smoking in enclosed public places, which resulted in the Health Act 2006. The Act will come into force on 1st July 2007 and will mean that virtually all enclosed and substantially enclosed public places, workplaces and vehicles in England will become smokefree.

Why is there a need for smoke-free legislation?

“ The primary reason for introducing smoke-free workplaces is to protect individuals against involuntary exposure to secondhand smoke and the associated health risks. ”¹

Professor Dame Carol Black, President, Royal College of Physicians, July 2005.

The evidence of the harmful nature of secondhand smoke is overwhelming. Breathing other people’s smoke in the workplace is estimated to cause around 617 premature deaths a year - around three times the number of deaths each year caused by industrial accidents².

Who will the law apply to?

The smoke free legislation will have an impact on your working life, whether you are an employer who has to restrict smoking in enclosed spaces, or an employee who will have to comply with the new legislation. The law will cover all public places including all licensed premises and members clubs, as well as all private workplaces such as offices and factories.

For more details on the smoke free legislation, to be implemented on 1st July 2007, please visit the Smoke Free England Website: <http://smokefreeengland.co.uk> or the Smoke Free Coventry Website: <http://smokefreecoventry.org.uk>.

The Smoke-free (Premises and Enforcement) Regulations 2006.

The Smoke-free (Exemptions and Vehicles) Regulations 2007.

01. Going smoke-free: The medical case for clean air in the home, at work and in public places. Royal College of Physicians. July 2005.

02. Jamrozik, K. Estimate of deaths among adults in the United Kingdom attributable to passive smoking. BMJ 2005.

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What is the definition of 'enclosed' and 'substantially enclosed'?

The legislation covers all premises, which are wholly or substantially enclosed, and used as a place of work by more than one person or where the public are admitted. Smoking rooms will no longer be allowed.

Enclosed

Premises will be considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis. Tents, marquees and similar structures will also be classified as enclosed premises if they fall within this definition.

Substantially Enclosed

Premises are substantially enclosed if they have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total areas of walls, including other structures which serve the purpose of walls and constitute the perimeter of premises. This is known as the 50% rule.

When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings that can be open or shut.

A roof includes any fixed or movable structures, such as canvas awnings

Vehicles

Where a vehicle is used as a workplace by more than one person, regardless of whether they are in the vehicle at the same time, it will be required to be smokefree at all times. This protects all workers who use the vehicle from harmful secondhand smoke, regardless of when they use the vehicle.

All vehicles used for public transport will be required to be smokefree at all times. This will mean that a member of the public can be sure that the public transport they use will be free from hazardous secondhand smoke at all times.