

Smokefree - What it means for taxi /mini cabs

The law requires smokefree environments in all workplaces, including vehicles used for public transport. The legislation ensures that:

- All workers are protected from the risks to health from tobacco smoke and are guaranteed their right to work in a smokefree environment.
- All members of the public will have access to public transport that is smoke-free, regardless of when or where they use it in England.

Are taxis/mini cabs covered by the legislation?

The legislation covers all taxi and mini cabs. Any commercial vehicle carrying members of the public is be required to be smokefree at all times.

What does the legislation mean in practice?

It requires a manager to:

- Ensure all commercial vehicles used to transport members of the public are smokefree
- Display 'no-smoking' signs in a prominent position in all vehicles. The sign should include the international red 'no smoking' symbol.
- Take reasonable steps to ensure that employees and customers are aware that vehicles used for public transport are legally required to be smokefree.

Can a taxi /mini cab driver smoke in their vehicles if they don't have any passengers?

No. The legislation requires all vehicles used for public transport to be smokefree at all times. This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks after a cigarette is stubbed out, releasing particles hazardous to health.

Can drivers smoke in their own private vehicle?

Yes, the regulations do not extend to vehicles, including rental or leased vehicles, used solely for private purposes and which is not used for public transport.

Does the office need to be smokefree?

Yes 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. The office will be covered by the legislation. This means that employers will need to:

- ensure that the office premises are smokefree at all times
- display the mandatory 'no smoking' signage

- take reasonable steps to ensure that staff and customers visiting the office are aware that the premises are legally required to be smokefree.

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 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 e.g. in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy.