



National Maritime Occupational Health and Safety Committee

Guidelines to shipping companies
on workplace smoking policies

1. Introduction

- 1.1 It is considered important that companies should have workplace smoking policies as part of their health and safety policies.
- 1.2 The dangers to health of smoking have been well-recognised for many years, whilst the link between 'passive smoking' or 'second-hand' tobacco smoke and a range of health disorders has been proven by numerous studies. This has prompted the governments of the UK and several other nations to introduce laws placing strict controls on smoking, especially in enclosed public spaces where exposure to second-hand smoke is more acute than in open spaces.
- 1.3 A ban on smoking in enclosed public spaces ashore came into force in Scotland in 2006. This was followed by similar bans in Wales, Northern Ireland and England in 2007. With the exception of the Scottish legislation, which applies to vessels engaged in domestic passenger trades, none of the laws applying the ban extended to ships.
- 1.4 Premises are considered 'enclosed' if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis.
- 1.5 Premises are considered 'substantially enclosed' if they have a ceiling or roof, but have an opening in the walls, which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.
- 1.6 It was anticipated that the Government would adopt laws extending the smoking ban to ships whilst they were in UK territorial waters, irrespective of where they were registered. However, it was unclear whether such laws could be applied to ships on innocent passage to and from UK ports. Additionally, the enforcement of requirements as to signage on non-UK ships would be difficult and inefficient. A further problem arose from the fact that, whilst an employer's duty to his seafarers applies irrespective of where a ship is located, the smoking ban would only apply in a legal sense in a very limited area of the world.
- 1.7 Even with new smoke-free legislation, the advice of the Health and Safety Executive (HSE) on protecting employees from the effects of second-hand smoke remains unchanged in that:
 - 1.7.1 employers should have a specific policy on smoking in the workplace;
 - 1.7.2 employers should take action to reduce the risk to the health and safety of their employees from second-hand smoke to as low a level as is reasonably practicable;
 - 1.7.3 smoking policy should give priority to the needs of non-smokers who do not wish to breathe tobacco smoke; and
 - 1.7.4 employers should consult their employees and their representatives on the appropriate smoking policy to suit their particular workplace.
- 1.8 The laws banning smoking in enclosed public spaces ashore in the UK permit limited exceptions in respect of workplaces that have a residential character, including hotels, residential care homes and offshore installations, where a room or rooms may be designated for smoking. It may be considered appropriate to make similar provision on ships for crew members and passengers. In such cases it will be essential to adopt measures to protect non-smokers from exposure to smoke.

- 1.9** The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 state that employers have a duty to ensure, so far as is reasonably practicable, the health and safety of employees and other persons aboard ship. Hence, it could be claimed, for example, that an employee's respiratory condition had been aggravated by working in a smoky environment.
- 1.10** It is the view of the National Maritime Occupational Health and Safety Committee that company policies to control smoking on ships should reflect, to the greatest extent possible, policies applicable in workplaces ashore following the implementation of the legislation referred to in Paragraph 1.3 above. This legislation and these policies have been readily accepted by the public and created an expectation of smoke-free enclosed public establishments.
- 1.11** Operators of passenger ships should consider applying these guidelines in respect of passengers and passenger spaces on board.

2. Aims

- 2.1** The policy should aim to:
- 2.1.1** promote the health and welfare of seafarers;
 - 2.1.2** provide and maintain a healthy shipboard environment;
 - 2.1.3** reduce the risks to non-smokers from tobacco smoke to a minimum;
 - 2.1.4** inform seafarers of the harmful effects of smoking; and
 - 2.1.5** provide support and assistance to any seafarers who smoke and express a wish to quit smoking.

3. Written policy

- 3.1** This should:
- 3.1.1** indicate concern for the health and welfare of seafarers;
 - 3.1.2** give priority to achieving a healthy shipboard environment for non-smokers;
 - 3.1.3** state that its objective is to minimise the exposure of non-smokers to tobacco smoke;
 - 3.1.4** provide for suitable educational material to be readily available to seafarers;
 - 3.1.5** provide instruction for staff who have responsibilities for implementing the policy; and
 - 3.1.6** provide for the policy to be monitored and reviewed.

4. Developing the policy

- 4.1 In the formulation of a policy, prior consultation should take place either with the seafarers' organisations or employee representatives, whose support should be obtained in order to ensure smooth implementation and acceptance of the policy by seafarers.
- 4.2 The consultation process could involve, for example, safety committee meetings, group discussions on board and survey questionnaires to identify levels of demand for special provision for smokers.

5. Policy measures

- 5.1 The measures to control smoking will depend to some extent on ship type and size. The company should carry out a risk assessment in order to identify areas where smoking cannot be permitted for safety reasons. Such areas would include deck spaces where smoking would cause unacceptable hazards because of the cargoes carried by the ship, or the presence of pressurised cabins on board.
- 5.2 In formulating the policy, the company should take account of:
 - 5.2.1 the extent to which the ship is a seafarer's home as well as his workplace;
 - 5.2.2 the number of crew members on board; and
 - 5.2.3 the number of crew members in their employ who are smokers.
- 5.3 Control measures which should be considered include:
 - 5.3.1 a total ban on smoking on board;
 - 5.3.2 a total ban on smoking in enclosed spaces on board, whilst permitting smoking in open areas, subject to an appropriate risk assessment; and
 - 5.3.3 the designation of smoking rooms, which will serve as the only areas in which smoking is permitted.
- 5.4 Any room that is designated for smoking should be used solely for the purpose of smoking. It is not recommended that smoking be allowed in any cabin used for sleeping, as it is likely that it will be used by smokers and non-smokers at different times.
- 5.5 Where reasonably practicable, any room that is designated for smoking should meet the following criteria:
 - 5.5.1 it is completely enclosed on all sides by solid, floor-to-ceiling walls;
 - 5.5.2 it is adequately ventilated and not ventilated into a smoke-free place; and

- 5.5.3** it does not have any door that opens onto smoke-free premises which is not mechanically closed immediately after use.
- 5.6** In areas of the ship where smoking is not permitted, signs should be displayed indicating this fact. These should feature the recognised international 'no smoking' symbol showing a lit cigarette inside a white circle with a red border and a diagonal red line across the sign in front of the cigarette image. Such signs may be displayed:
- 5.6.1** at any entrance to the ship; and
- 5.6.2** in all common areas in which smoking is not permitted.
- On a ship where rooms and areas have been designated for smoking, a sign at the entrance to the ship stating 'Smoking in designated areas only' could be considered. Areas in which smoking is permitted would need to display signs clearly indicating them as such.
- 5.7** The company should review whether it remains appropriate to carry supplies of cigarettes and other tobacco products on board for sale.

6. Implementation

- 6.1** This should include:
- 6.1.1** designating a director or equivalent person with overall responsibility for the policy;
- 6.1.2** ensuring that the policy is understood by all seafarers;
- 6.1.3** seeking the support of seafarers for the policy; and
- 6.1.4** providing adequate information on the health risks of smoking and the measures to be taken under the policy.

7. Support for seafarers

- 7.1** In view of the many harmful effects of smoking on health, together with the health benefits of quitting smoking, the company should include measures to support and assist seafarers who smoke but wish to quit smoking as part of its policy. Such measures could include:
- 7.1.1** providing details of appropriate helplines e.g. NHS Quitline;
- 7.1.2** advising on the availability of Nicotine Replacement Therapy products e.g. chewing gum, patches, microtabs, lozenges, inhalators or nasal sprays;
- 7.1.3** providing details of services available ashore; and

- 7.1.4** initiating an incentive scheme for staff members wishing to quit smoking, with prizes available for those who do so successfully.

8. Operation

- 8.1** Day-to-day administration of the policy should be undertaken by line management. This should include dealing with problems and disagreements arising in connection with the policy.
- 8.2** The company should ensure that Masters and line managers enjoy their full support in enforcing the company policy and preventing smoking in areas where it is not permitted.
- 8.3** Breaches of the policy, including any incidences of seafarers smoking in areas where it is not permitted, should be subject to normal disciplinary procedures.

9. Monitoring

- 9.1** The effectiveness of the policy should be monitored by the company and reviewed regularly. This should involve the examination of arrangements on each ship.

References and useful publications

1. www.smokefree.nhs.uk
2. Health and Safety Executive (HSE), Advice on smoking at work
www.hse.gov.uk/contact/faqs/smoking.htm
3. Action on Smoking and Health (ASH), Sample workplace smoking policy
<http://www.healthpromotionagency.org.uk/Resources/tobacco/pdfs/sample%20workplace%20smoking%20policy.pdf>

© 2012, National Maritime Occupational Health and Safety Committee