

FACT SHEET 15

Smoking in fork lift trucks fitted with cabs

Hazards

When operating a fork lift truck, smoking a cigarette or electronic cigarette is considered a distraction. Cigarettes pose other hazards around fork lift trucks, as they can ignite explosive gases produced by some batteries fitted to electric machines. Equally dangerous around LPG machines, as it only takes a small gas leak to cause an explosion.

Legislation

Smoke-free legislation was introduced in England in 2007, banning smoking in nearly all enclosed workplaces and public spaces, following similar bans in Scotland and Wales.

All enclosed vehicles used by more than one person at work, at any time, must be smoke-free. To be more specific Part 3, Regulation 11 of [The Smoke-free \(Exemptions and Vehicles\) Regulations 2007](#) states:

Enclosed vehicles

11.—(1) Subject to the following paragraphs of this regulation, an enclosed vehicle and any enclosed part of a vehicle is smoke-free if it is used—

- (a) by members of the public or a section of the public (whether or not for reward or hire); or
- (b) in the course of paid or voluntary work by more than one person (even if those persons use the vehicle at different times, or only intermittently).

(2) A vehicle or part of a vehicle is enclosed for the purposes of paragraph (1) where it is enclosed wholly or partly by a roof and by any door or window that may be opened.

(3) Except where paragraph (4) applies, “roof” in paragraph (2) includes any fixed or moveable structure or device which is capable of covering all or part of the vehicle, including any canvas, fabric or other covering.

(4) In relation to a vehicle that is engaged in conveying persons, “roof” 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 the vehicle.

Signage

Businesses must display non-smoking signs in vehicles. In England the sign has to be 70mm in diameter, but in Wales and Northern Ireland, it should be 75mm in diameter. The government also recommend that all company vehicles remove the ashtray to prevent smoking in the vehicles.

Electronic cigarettes

E-cigarettes, personal vaporizers (PVs) and electronic nicotine delivery systems (ENDS) are battery operated devices, that are often used as a replacement for cigarettes.

E-cigarettes fall outside the scope of smoke free legislation, therefore, an employer needs to consider these devices in the wider context of risk in the workplace.

Some companies may have separate smoking and electronic cigarette policies and others may include a paragraph about E-cigarettes as part of their smoking policy. Either way, it's worth having clear rules in place and communicating these to employees. It is also useful to get employees involved to get them on board with any rules you do decide to implement.

Where E-cigarettes are restricted, employers may want to display signs or notices in the workplace which make it clear where it is allowed and where it is banned. These should include any rules that relate to the use of E-cigarettes at work.

Health and Safety Executive guidance

Guidance is available from the HSE from their [Advice on smoking](#) website.

The above information is provided by the Fork Lift Truck Association (FLTA) as guidance and, where applicable, takes account of current best practice and our interpretation of current legislation.

However, the FLTA accepts no responsibility for the recommendations, advice, statements, opinions and conclusions set out above, either expressly or by implication.

No warranty or representation of assurance, in respect of the accuracy or validity of the same is given.

The information in this Fact Sheet has been assembled and interpreted to give fork lift truck owners and users basic guidance on frequently asked questions. Further important information will be given in the quoted reference documents. Responsibility for meeting the safety obligations discussed rests with the employer, and the FLTA will not accept liability for any problem arising as a result of the content of this document. Technical Bulletins, containing more detailed information and updated as appropriate, are made available free to members of the [FLTA SAFE USER GROUP](#).

Fork Lift Truck Association, 34B Kingfisher Court, Hambridge Road, Newbury, Berkshire, RG14 5SJ

Tel: 01635 277570 | mail@fork-truck.org.uk | www.fork-truck.org.uk