



# Health & Safety **MATTERS**

Health & Safety Information for GMB Safety Reps

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## **E-cigarettes – a new workplace health dilemma?**

### **Introduction**

Increasingly the National Health & Environment department is receiving queries on GMB policy towards the use of electronic cigarettes, and on the legality of using them in the workplace. A simplistic response would be to say that since GMB Congress has not debated the issue we do not have a defined policy on this as yet, and that currently there are no legal sanctions on their use in the workplace. However as might be expected the situation on how it translates into the workplace in real terms is much more confusing than this.

### **What exactly are electronic cigarettes?**

The term electronic cigarette is generic and not particularly helpful. Many, but not all, resemble a cigarette in being in the form of a thin white tube, including in some models a red glowing tip on the end. Some contain nicotine, other do not. Some produce a white odourless vapour other don't. They don't burn tobacco and so don't create smoke, which is defined as products of combustion. These vapours are defined as either nicotine containing products (NCPs) or electronic nicotine delivery systems (ENDS).

### **Aspects to consider for a sensible and justifiable policy.**

In dealing with the issue on the use of e cigarettes in the workplace the employer should consider the following:-

- ◆ What issues are they attempting to deal with?
- ◆ What do they consider needs controlling?
- ◆ Are they concerned on the harm from using NCPs?
- ◆ Will restricting, or banning use of e cigarettes support compliance with smoke free policies?
- ◆ Are they seeking to improve workers health?

The introduction of the smoking ban in workplaces, in part due to GMB campaigning, was to protect other workers from exposure to second hand smoke. However it is the combustion that is illegal- it is not, normally, an offence to have an unlit cigarette in your hand or to use an NCP.

### **Attempting to deal with workplace issues**

Public health professionals have raised three main issues under this heading. The first, and perhaps most obvious one being, maintaining compliance with smoke-free legislation as smoking is banned in virtually all enclosed workplaces, public places, public transport and work related vehicles.

The second is the potential effect, particularly in public spaces, of cigarette smoking being normalised in children's eyes by observing adult role models and perhaps copying them. And

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lastly is the perceived detrimental image that employers feel occurs when smokers congregate outside doorways which fails to maintain a clean and healthy environment for others.

### **What does the employer wish to control?**

This is a more complex area that might be initially thought - is it lookalikes resembling cigarettes to avoid confusion from a distance? Or should it be nicotine, remembering that this might be in lozenges, gum or spray form? Should the policy cover vapours, bearing in mind that a developing technology has not yet established entirely safe vapours yet?

### **Is there a possibility of harm from NCPs?**

Obviously these devices do not burn tobacco and therefore any exposure to substances will be very different. So far there is no published scientific evidence of harm from direct exposure to NCPs. The Medicines and Healthcare products regulatory agency considered four studies looking at harm from different e-cigarettes and found some evidence of potentially harmful substances which has led to the decision to regulate in this area. Indirect exposure led to much less harmful exposure than to tobacco smoke in a similar manner.

### **Ensuring compliance with smoke-free policies**

As well as the fear that by allowing NCPs to be used in workplaces where some might use it as an attempt to smoke in the same area raising practical reasons for discouraging their use. In pubs and clubs busy staff might feel that they do not have time to check genuine tobacco products against NCP's properly. Alternatively in other leisure situations, such as casinos or bingo halls, allowing NCP use might encourage people not to leave the premises, lessening security concerns.

### **Improving worker's health**

It is anticipated that within the next couple of years only licensed NCP products will be in use and those not licensed would be withdrawn from sale. Prohibiting the use of NCP's in the meantime could be seen as detrimental to those who were using the products in an attempt to quit smoking completely. This would appear to include a growing number who have moved away from tobacco use but still feel the need for the ritualistic "hand to mouth" behaviour associated with smoking.

### **Conclusion**

The most obvious, and easy decision for most employers is to ban the use of electronic cigarettes as an extension of the workplace smoking ban. However if some of these products become categorised as medicines as part of a tobacco with drawl programme in the near future then this might lead to the position within an organisation being reassessed. Therefore it might be better for a properly negotiated policy to be agreed between the employer and GMB members now. For further information on this go to the Action on Smoking & Health (ASH) website at [www.ash.org.uk](http://www.ash.org.uk)

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