

## **MANAGEMENT BOARD**

### **The use of electronic cigarettes (“e-cigarettes”) on the Parliamentary Estate**

*Paper from the DG of HRC*

#### **Purpose**

1. This paper asks the Management Board to consider its position relating to the use of electronic cigarettes ("e-cigarettes") affecting departmental offices as well as other premises for which it has responsibility.

#### **Action**

2. The Management Board is asked to consider its position regarding the following:
  - The use of e-cigarettes in areas under its jurisdiction, including departmental offices;
  - Designation of an area or areas solely for e-cigarette use.

#### **Financial implications**

- None

#### **Diversity implications**

- We have not at this stage identified any significant discriminatory impacts, but an equality analysis will need to be carried out as policy develops.

#### **Consultation**

- We have consulted TUS, Business Management Directors, Parliament Health & Wellbeing Service, and the Administration Committee.

## Background

3. There has been uncertainty and confusion over where electronic cigarettes can and cannot be used caused by the absence of a clear policy on the use of e-cigarettes. This is illustrated by a number of recent examples:
  - incidents of ‘vaping’ in Portcullis House; and
  - questions from managers and staff about the acceptability of smoking in offices.
4. Public health groups are still debating the pros and cons of e-cigarettes. Recently a World Health Organisation report included a recommendation to ban the use of e-cigarettes in workplaces. The British Medical Association also believes that existing smoke-free legislation should be extended to e-cigarettes. However, there is a lack of conclusive evidence regarding the health and safety risk of e-cigarettes, given that research in this area is in its infancy. I attach a clear and concise POSTnote on the topic.
5. A law to regulate the use of e-cigarettes in the workplace appears to be unlikely in the near future. Despite this, there is a pressing need to make clear to all staff (including contractors, consultants and volunteers) our position on the use of e-cigarettes in workspaces occupied by House staff.
6. Furthermore, it is in the interests of the House of Commons to promote the health and wellbeing of our employees and our service users or customers. The Houses of Parliament Health & Wellbeing Service provides support, encouragement and assistance to Members and staff who wish to give up smoking as part of an integral approach to health and wellbeing promotions and consider a ban on the use of e-cigarettes in the workplace as being consistent with this.
7. The emerging view across the Civil Service and national parliaments and assemblies is that that the use of e-cigarettes should not be allowed on official premises. Locally, the managers we have consulted and the trade union side (TUS) generally support the prohibition of e-cigarettes within enclosed spaces.
8. At the Administration Committee’s meeting on 10 November 2014, it discussed the use of e-cigarettes on the Parliamentary Estate in response to a request for guidance from the Director General of Human Resources and Change to inform Management Board discussions on the issue. The Committee has said that it will work with the Management Board and the House of Lords to produce a single set of guidance on e-cigarette use for all users of the Estate.

9. Finally, there is also some outside interest to note, namely two FoI requests received during 2013/14 related the House's policy on the use of e-cigarettes on the Estate as well as some recent media coverage.

### Summary of issues

10. Although they fall outside the scope of smoke-free legislation, there are arguments for restricting or prohibiting the use of e-cigarettes (whether containing nicotine or not):
- A precautionary approach; there *could* be health risks. There is a lack of conclusive evidence about the health risks of e-cigarettes both to the users and to others. Although they do not produce smoke, many e-cigarettes produce a vapour that might be unhealthy and may annoy others;
  - Appearance and etiquette – it could create an impression that it is acceptable to smoke (some public health advocates are concerned that e-cigarettes could “re-normalise” smoking).
11. In the absence of any restrictions which apply to everyone on the Estate, a decision covering enclosed spaces under the jurisdiction of the Management Board should be considered. These include:
- departmental offices;
  - the onsite nursery and other enclosed spaces occupied by children (including children on school visits).
12. If it was decided that restrictions were needed, ideally it would be best to find a way that staff who are e-cigarette users could “smoke” on the Estate, but away from both non-smokers and tobacco smokers, eg by designating an area or areas solely for e-cigarette use.
13. Any implementation of this policy would be supported by the Houses of Parliament Health & Wellbeing Service, who would provide advice and guidance to help people to stop smoking. E-cigarettes are not currently regulated, nor available on the NHS. They're not the same as the inhalator, which is a type of nicotine replacement therapy that is available on the NHS

### Recommendations

14. I recommend that the board decides that:

- i. e-cigarettes should not be used by staff of the House or contractors in enclosed working areas;

- ii. e-cigarettes must not be used by staff in the presence of children and young people;
- iii. we should carry this view to the Commission, the Administration Committee and the House of Lords, and take a common and clear approach to areas not under Management Board control.

15. If (i) and (ii) are agreed I recommend that the board remit the BMG to agree a fuller e-cigarettes policy at its next meeting on 14 January 2015, to be shared with the Board as a take note paper.

*Andrew Walker*  
*26 November 2014*