

**HEADQUARTERS, UNITED STATES ARMY EUROPE AS HIGHEST  
SERVICE AUTHORITY OF THE U.S. ARMY IN GERMANY  
AND THE  
HEAD WORKS COUNCIL  
UNITED STATES ARMY EUROPE IN GERMANY  
CONCLUDE  
THE FOLLOWING SHOP AGREEMENT  
ON THE PROTECTION AGAINST SECONDHAND SMOKING AND THE  
EMISSIONS OF E-CIGARETTES**

**on the basis of section 73(1) et seq. modified GPRL.**

**I. Preamble**

In accordance with the German Work Site Ordinance, employers have an obligation to guarantee the security and safety of their employees. The general smoking and e-cigarette ban in buildings of the US Army in Germany serves the general protection of employees from health hazards and exposure to the secondhand smoking and inhalation of vapors and aerosols. Not only smoking and the use of e-cigarettes, but also the secondhand smoking or the inhalation of vapors and aerosols is a health hazard, or at least often a nuisance for other employees. Thus, in accordance with the principle of mutual respect, employees have to be protected from health hazards and avoidable burdens as far as possible. It is therefore agreed between the Highest Service Authority and the Head Works Council that highest attention must be paid to the general health protection of employees. Other objectives include strengthening mutual respect and raising awareness of the health consequences of smoking, the use of e-cigarettes, secondhand smoking and the inhalation of vapors and aerosols.

To facilitate reading, only the male form is used.

## **II. Purpose and Scope**

(1) The purpose of this shop agreement is to regulate the protection of employees from unwanted secondhand smoke and from unwanted inhalation of vapors and aerosols. Another purpose is the protection from the consequences of vapor and tobacco smoke particles.

(2) This shop agreement shall apply to the Local National employees within the area of responsibility of the USAREUR Head Works Council (HWC). It should be applicable to all military installations of the U.S. Army in Germany.

## **III. Smoking ban and ban of electronic cigarettes**

Once this shop agreement enters into force there will be a general smoking ban and ban of electronic cigarettes or similar devices in all buildings and outside all medical facilities of the U.S. Army in Germany.

## **IV. Smoking opportunities**

(1) Taking into account official interests, employees may smoke outside in consideration of due diligence.

(2) Smoking in hazard areas is also not allowed outside.

(3) Existing shop agreements on smoking areas outside of buildings shall remain unaffected by this shop agreement.

## **V. Opportunities for using electronic cigarettes and similiar devices**

(1) Taking into account official interests, employees may use electronic cigarettes outside in consideration of due diligence.

(2) Using electronic cigarettes in hazard areas is also not allowed outside.

(3) Existing shop agreements on using electronic cigarettes outside of buildings shall remain unaffected by this shop agreement.

## **VI. Coming into Force and Termination**

This shop agreement shall enter into force on the date it is signed. It shall be concluded for an indefinite period.

(1) The shop agreement may be terminated with a notice period of six months to the end of the calendar year.

(2) In case of termination, the terminated provisions shall continue to have effect until they are replaced by a new agreement.

**VII. Final Provisions and Severability Clause**

(1) If individual provisions of this shop agreement are invalid or unfeasible, or become invalid or unfeasible after the conclusion of the agreement, this shall have no effect on the validity of the other provision. Those effective or feasible provisions whose effects come closest to the objectives pursued by the parties to the agreement with the ineffective or infeasible provisions shall replace the ones that are ineffective or infeasible.

(2) Above provisions shall apply correspondingly in case the shop agreement proves to be incomplete.

**VIII. Signatures**

Wiesbaden; date

/S/ SUZANNE TORRES

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SUZANNE R. TORRES  
Assistant Deputy Chief of Staff, G1  
Director of Civilian Personnel  
United States Army, Europe

/S/ ANDREAS ROGEL

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ANDREAS ROGEL  
Chairman, Head Works Council  
(Representative of Salaried Employees)

/S/ MARIO ROOSINGH

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MARIO ROOSINGH  
Deputy Chairman, Head Works Council  
(Representative of Workers)

/S/ DIRK RICHTER

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DIRK RICHTER  
Head SHE Representative, United States Army, Europe  
(proper participation IAW sections 25 et seq. Severely  
Handicapped Act)