

NO SMOKING POLICY

Lead Directorate and Service:	Corporate Resources - Human Resources
Effective Date:	25 November 2013
Contact Officer/Number:	HR Advice Centre/391221
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1. Background

- 1.1 Section 2 of the Health and Safety at Work etc Act 1974 requires an employer to take reasonable care of the health, safety and welfare of its employees. This provision includes the promotion of a safe and healthy working environment.
- 1.2 The Smoke Free Public Places and Work Places Regulations of the Health Act 2006 introduced on 1 July 2007 prohibits the smoking of tobacco in certain public premises, partially covered venues (more than 50%), workplaces, certain vehicles and all licensed premises and private members' clubs. The legislation will have a significant impact on the Council as an enforcement body, as an operator of premises, services provider and as an employer.
- 1.3 The Council's policy stipulates no smoking in all Council premises and vehicles (see Section 4), given the potential health benefits to employees and to comply with the Council's legal obligations.

2. Policy Statement

- 2.1 The Council accepts that tobacco smoking is a major preventable cause of respiratory ill-health, heart disease, cancer and premature death in this country and that it is the right of everyone to breathe clean air.
- 2.2 Conscious of its role as an employer and its duties under the Health and Safety at Work, etc Act 1974 and in response to the Health Act 2006, prohibiting smoking in public places, the Council, whilst endeavouring to maintain as much freedom as possible for the individual, recognises the need of the non-smoking workforce and public visiting Council premises to enjoy an atmosphere free of tobacco smoke. As a consequence, the Council have adopted a No Smoking Policy as its contribution to the health and well being of its employees and members of the public.

3 Implementation

- 3.1 This policy will be implemented by Managers in consultation with Human Resources and Health and Safety Services and via the departmental induction process.
- 3.2 Managers must ensure where appropriate that risk assessments include smoking as a hazard where employees have to enter private properties to carry out their duties. Please refer to the Code of Practice and Guidelines for the Management of Health and Safety at Work Regulations 1999.

4. Policy Relating to Employees

4.1 The Council confirms that, for statutory health, safety and food hygiene purposes, any building or part of a building and vehicle which it owns or controls is required to be no smoking and will be designated so, subject to 4.2 and 4.3 below. Employees working at such premises or driving/ travelling in such vehicles will be covered by this policy. Premises include both buildings and grounds.

4.2 Subject to 4.3 below; smoking will be prohibited in all Council premises eg:

- (a) All offices;
- (b) All committee rooms, meeting rooms, ante-rooms and Council Chambers;
- (c) All lifts, corridors, lobbies and toilets;
- (d) All places of eating, drinking or meeting, rest rooms, kitchens, mess rooms;
- (e) All Council owned, rented or leased vehicles (cars, vans, buses lorries etc);
- (f) All Council Owned Residential Homes/Day Centres.

4.3 Smoking will also be prohibited for employees whilst :

- (a) Carrying out any Council duty not on Council premises eg: whilst caring for/accompanying a client – adult or child.
- (b) Visiting any person in their own home (private or Council owned).

The lists at 4.2 and 4.3 are not intended to be exhaustive.

4.4 However the following exemptions will apply:-

- (a) Sheltered Housing Wardens/Traveller Site Wardens who both work and live within the sheltered accommodation/traveller site will be allowed to smoke in their own home and the residents' designated smoking areas unless residents are already prohibited from smoking.
- (b) Separate smoking areas are allowed in adult persons residential homes, for residents and visitors use only. Smoking is not allowed in any other area of the home.
- (c) Leased or privately owned vehicles used for personal use (unless transporting passengers on Council business).
- (d) Homeworkers during the course of their work that is carried out for the Council in their home (unless they invite others into an area of their home for work purposes).

4.5 Employees should not smoke immediately outside Council entrance points. Employees are representatives of the Council and should portray a professional image at all times.

4.6 Where cigarette bins are provided outside Council premises it is in order that an employee or member of the public can extinguish their cigarette before entering the premises and not as a gathering point to smoke which is not permitted.

- 4.7 To ensure equality of treatment for all employees there are no designated ‘smoking’ breaks and therefore any smoking break must be taken in line with the normal lunch break in accordance with point 1.3.
- 4.8 The Council encourages and supports all employees who wish to stop smoking. Managers will not unreasonably withhold permission for employees who wish to attend ‘stop smoking’ sessions. The Occupational Health Unit can offer advice on how to stop smoking and information can be found on their intranet page.
- 4.9 Any employee acting in contravention of the Council’s policy on smoking may be subject to disciplinary procedures under the Council’s Disciplinary Policy.

5. **Nicotine Containing Products**

- 5.1 Alternative products to cigarettes are available, which contain nicotine but not tobacco. Some of these products are used to assist people with reducing the amount of cigarettes they smoke or stop smoking altogether.
- 5.2 Nicotine replacement therapy products are licensed for use as a smoking cessation aid and for harm reduction, as outlined in the British National Formulary. They include: transdermal patches, gum, inhalation cartridges, sublingual tablets and a nasal spray.
- 5.3 There are other nicotine containing products available such as electronic cigarettes and topical gels, however these are currently not licensed and not regulated by the Medicines and Healthcare Products Regulatory Agency (MHRA).
- 5.4 The Council will encourage and support all employees who wish to reduce the amount of cigarettes they smoke or stop smoking altogether, and the Council will support the use of licenced products listed in 5.2. However, as the quality of unlicensed products is not known or regulated and the Council is concerned about the health and wellbeing of its employees’, the usage of these products will follow the same principal as cigarettes, in accordance with Section 4 of this policy.

6. **Policy relating to the Council’s General Responsibilities**

- 6.1 The Council will require that, as a condition of hire, all people who hire public buildings for functions abide by the Council’s non-smoking arrangements.
- 6.2 Notices stating ‘No Smoking’ will be displayed in all public Council buildings in line with Council policy and national legislation and will be displayed in all Council vehicles eg buses, refuse lorries.
- 6.3 The Council will not approve that any of its buildings, outdoor facilities or advertising place or space, including any publication, be used for any purpose where that purpose is promoted or sponsored by any firm engaged in the sale of tobacco or tobacco products.
- 6.4 The Council will authorise its officers to co-operate with any other agency involved in or promoting non-smoking.
- 6.5 The Council will encourage its officers in their educational, promotional or enforcement roles to take into account passive smoking and to promote, wherever possible, the advantages of not smoking.

7. **Review of Policy**

- 7.1 This policy will be reviewed as part of a rolling programme of policy review by Human Resources or in line with legislative changes following consultation as required.