



## WORKPLACE NO-SMOKING POLICY

DRAFT

## 1. **Introduction**

- 1.1 The Council recognises that the health, safety and welfare of employees, sub-contractors and anyone else directly affected by the Council's operations are of prime importance. The Council has therefore developed and enforces a dedicated no-smoking policy, conforming to the requirements of the smoke-free legislation.

## 2. **Application**

- 2.1 This policy is applicable to all employees, Elected Members, tenants of premises where Council staff are employed, as well as sub-contractors who undertake activities on behalf of the Council and any visitors to/customers on the Council's premises at all times, including Civic functions, daytime and evening meetings and out of hours working.
- 2.2 **Employees should note that they will not be permitted to smoke at any time when they are carrying out their official duties.**
- 2.3 As part of the Council's induction process, new starters should be told about this policy and shown where it is located (in the Employee Health and Safety Handbook and on the intranet). Human Resources are responsible for informing job applicants of this policy. Employees are responsible for informing their visitors to the premises/customers of this policy.
- 2.4 This policy and its mandatory application will be communicated to all employees, Elected Members, sub-contractors, visitors/customers and interested parties, including tenants of premises where Council staff are employed.

## 3. **Prohibition on Smoking**

- 3.1 Smoking is not permitted at any time in any part of Council premises or the curtilage of the property including car parks and yards attached to the premises, entrances/exits, nor in Council-owned vehicles or any vehicles being used on Council business, by any person regardless of their status.

## 4. **Homeworkers**

- 4.1 Homeworkers are not exempt from the requirement to comply with 2.2. It is, however, acknowledged that the Council cannot enforce this requirement within employees' own homes unless other employees are present.

## 5. **Electronic Cigarettes**

5.1 The Council acknowledges that some employees may wish to make use of electronic cigarettes (“e-cigarettes”) in the workplace, particularly as an aid to giving up smoking. E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user.

5.2 Although they fall outside the scope of smoke-free legislation, the organisation prohibits the use of e-cigarettes. The Council’s rationale for a ban on e-cigarettes is that:

- Although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
- Some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors/customers/other employees that is acceptable to smoke;
- Although the toxic compounds found in regular cigarette smoke are absent, e-cigarettes still deliver nicotine to the user which is in itself considered harmful;
- The view of the British Medical Association (BMA) is that the existing smoke-free legislation should be extended to e-cigarettes. Whilst acknowledging the electronic cigarettes may help some smokers to give up, the BMA cites the lack of evidence of the health risks they pose to the individuals using them and those in close proximity;
- While e-cigarettes are not ‘lit’ by a flame, they contain a heating element which may carry a risk of igniting flammable material;
- As an employer the Council has a statutory and a common law duty to protect the health and safety of its employees. Given the current uncertainty regarding the harmfulness of second hand vapour from e-cigarettes, a workplace ban is the best way to ensure this duty is met in respect of all employees.

## 6. **Signage**

6.1 The Council displays signs that make it clear that smoking is prohibited on its premises. These signs are located at all entrances to its buildings. The Council also requires that no-smoking signs are displayed in all of its vehicles.

## 7. **Arrangements for Smokers**

7.1 No designated smoking areas are provided either inside or outside buildings. Anyone who wishes to smoke must do so in their own time, must vacate the premises altogether and move away from entrances/exits so that staff or others entering or leaving the premises are not exposed to second-hand tobacco smoke.

7.2 There are no provisions for smoking breaks.

## 8. **Assistance for Smokers**

- 8.1 This policy is not concerned with whether anyone smokes, but with where and when they smoke and the effect that this has on non-smoking colleagues. However, the Council realises that it will impact on smokers' working lives.
- 8.2 In an effort to support individuals who wish to stop smoking, Human Resources can arrange for assistance currently via the NHS funded stop smoking service in the Stoke-on-Trent and Staffordshire area.
- 8.3 The service provides an ongoing confidential one to one tailored support and behavioural support for anyone who wants help to stop smoking by an experienced team of trained stop smoking advisors.

## 9. **Non-Compliance**

- 9.1 Any infringement of these rules by an employee may result in appropriate disciplinary action, which will be dealt with in accordance with the Council's disciplinary procedure.
- 9.2 Customers who are smoking in smoke-free areas should be reminded of the no-smoking signs and asked to stop. If a customer continues to smoke, employees should explain that the customer is committing a criminal offence and will not be served if they continue to do so. If the customer still refuses to stop smoking, staff should ask the customer to leave the premises and, where relevant, direct them to where they can smoke.
- 9.3 Employees are reminded that under the provisions of The Health Act 2006, it is a criminal offence for employees to smoke in substantially enclosed workplaces including vehicles. Failure to comply could result in a fixed penalty of £50 or prosecution and a fine of up to £200.

## 10. **Review**

- 10.1 The Council will monitor the effectiveness of this policy and its general compliance within the organisation.
- 10.2 It is the responsibility of all managers/supervisors to ensure that their staff are aware of the content of the policy and to monitor compliance.
- 10.3 Any problems or complaints from staff on the operation of the policy should be raised through the Council's grievance procedure.
- 10.4 This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines. Trade Unions and health and safety representatives will be consulted regarding any proposed changes.