

DOCUMENT INFORMATION

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Where an employee needs help reading or understanding or engaging in the process below, because English is not their first language or they have learning difficulties or a disability which affects their ability in this area, Human Resources will arrange for someone to assist them. This will apply to the whole process and the support will include reading and explaining letters or documentation. To access this support the employee must ask Human Resources as otherwise they may not be aware of the need.

SMOKING AT WORK POLICY

Purpose

The Health Act 2006 requires all enclosed and substantially enclosed workplaces (including vehicles) and public places to be smoke free. The purpose of this policy is to describe what the Council and our staff need to do to meet the legal requirements of the Health Act 2006 regarding Smoke Free Regulations, and to ensure that the Council's buildings and vehicles covered by the legislation are compliant. Our staff need to understand how to comply with this legislation so as to minimise the risk of being in contravention of the law and being subject to disciplinary action.

General Principles

- 1.1 Smoke-free legislation ensures that staff have a healthy working environment and protects staff and members of the public from exposure to second-hand smoke. There is also a general duty for employers to protect the health and safety of staff during work, including visits made to a client or customer's home as part of work duties.
- 1.2 Internally, we will reaffirm the provision of guidance and support to help those wishing to give up smoking. We will also take into account the needs of those who choose to smoke. The Council actively encourages staff to refrain from smoking, both in their own interests and as representatives of the Council.
- 1.3 We recognise that the majority of staff who are smokers will show consideration for their colleagues in their smoking and will be responsible about disposing of cigarette ends. However, the policy is set out to provide clarity on relevant matters and to enable us to address any problems with smokers who are not considerate or responsible.

Guidance for Staff

Smoking in the Workplace

- 2.1 Smoking is prohibited in any part of the workplace including offices, leisure centres and sports pavilions, day care centres, car parks, staff restaurants, mess rooms, public toilets and enclosed common parts of Council housing and domestic accommodation such as stairwells, entrances and lifts.
- 2.2 Smoking is prohibited immediately outside Council buildings. This includes the whole Millmead site.
- 2.3 For Council sites other than Millmead, staff will be advised where it is permissible to smoke by their line managers.
- 2.4 Staff who smoke must extinguish and dispose of used cigarettes in a responsible way. In addition to being a fire hazard, discarding cigarette ends makes staff, like the public, liable to legal action for littering. This offence may also be considered as misconduct under our disciplinary procedures.

Smoking Breaks

- 3.1 We operate a flexi-time system that can accommodate breaks outside the core hours of 10am to 12 noon, and 2pm to 3.30 pm. Staff may smoke before and after working hours and during their lunch breaks in the appropriate areas. Smokers wishing to take a break within core hours and while on duty may do so at the discretion of their line manager, who will need to take into account the impact the breaks may have on the individual's workload and on their team. The individual should also consider their colleagues and take responsibility for ensuring that they are happy to cover their work in their absence, if applicable.
- 3.2 The line manager retains the authority to remove, temporarily suspend or vary the arrangement of smoking breaks if the individual takes breaks of an inappropriate frequency and/or duration or where the needs of the service are being compromised.
- 3.3 Staff who have been permitted to take a break for any purpose must account fully for their time away from their work and ensure that they make up the time lost. There are a number of time-recording systems operating throughout our sites and the individual's line manager must be satisfied that adequate arrangements are in place to record and monitor unproductive time before agreeing to such breaks.
- 3.4 When individuals wish to smoke while on duty but away from the office, or if they work entirely in the open and/or away from other members of staff, individuals must still discuss their needs with their line manager and come to a sensible agreement. However, issues of safety and/or public perception are paramount and these must take precedent over the needs of the individual.

Vehicles

- 4.1 Smoking is not permitted in vehicles which belong to or are being leased by the Council. Private staff vehicles used during work for more than one member of staff should be smoke-free at that time.
- 4.2 The Fleet Manager will co-ordinate provision of smoke-free signage in all vehicles owned or leased by the Council. The driver of the vehicle is responsible for monitoring the condition of signage, ensuring this is appropriately displayed and advising passengers that the vehicle is smoke-free.

Signage

- 5.1 “No Smoking” signs will be displayed prominently at entrances to all Council occupied and managed buildings so all staff and visitors are informed of where smoke free requirements apply.
- 5.2 Managers and other persons in control of premises are responsible for monitoring the condition and display of “No Smoking” signage and ensuring this is appropriately displayed.
- 5.3 It is a legal offence to fail to take all reasonable precautions to prevent smoking in smoke free places. If smoking occurs in these places legal action can be taken against the person in control of premises at the time of the offence. Managers and staff failing to take adequate steps to prevent smoking in such premises may also be subject to our disciplinary procedures.

Prohibition on the Sale of Tobacco Products

- 6.1 We will not permit the sale of tobacco or tobacco products in any of our premises. We will also fully co-operate with law enforcement agencies, in their investigations into any illegal sale of tobacco products by any staff. This activity may be considered as gross misconduct resulting in disciplinary action.

Protecting staff

- 7.1 Staff visiting clients in their own homes have the right to not be exposed to secondhand tobacco smoke, and it is expected that all reasonable steps are taken to limit or prevent this type of exposure. Managers should consider this potential exposure within the risk assessment process and determine measures that could be put in place to reduce the risk. Further guidance can be found in the Health and Safety Handbook on The Loop, and advice on carrying out risk assessments can be obtained from the Health and Safety Officer.

Guidance for Visitors, Volunteers and Contractors

- 8.1 This policy also applies to all visitors, volunteers, contractors and Councillors, who are not permitted to smoke within the boundaries and grounds of any premises used as a workplace for Council staff. All staff have responsibility to inform their visitors of the requirements.

Electronic cigarettes

- 9.1 We acknowledge that some staff may wish to use electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up smoking.
- Although they fall outside the scope of smoke-free legislation, the Council does not allow the use of e-cigarettes in the workplace. The use of e-cigarettes will fall under the definition of 'smoking' for the purposes of this policy.
- 9.2 The reasons for this are that while they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other staff. Some e-cigarette models can also, particularly from a distance, look like real cigarettes. This makes it difficult to monitor and enforce the guidelines of this policy, and may create the wrong impression to others (including the general public).
- 9.3 Where smoking areas exist outside buildings, a separate area will be provided for staff who are vaping or using e-cigarettes away from the general smoking area to help encourage those using e-cigarettes to give up.

Breaches of the Policy

- 10.1 Any member of staff refusing to observe the policy will be liable to disciplinary action in accordance with disciplinary procedure. Smoking in an unauthorised area will be a disciplinary offence and may also be contrary to the Health Act 2006. Taking a break to smoke during core hours without authorisation, or dropping cigarette ends on the floor may also be viewed as a disciplinary offences.
- 10.2 In the event that you witness a breach of this policy, the persons concerned should be asked to extinguish all smoking materials and be informed of the availability of external smoking areas. If they continue to smoke, the matter should be referred to the appropriate manager or to security staff. Staff are not expected to enter into any confrontation that may put their personal safety at risk.
- 10.3 All staff have a role to play in enforcing the policy and are required to deal with any observed or reported breaches. If managers or members of staff feel apprehensive about their own safety in addressing any breach they should seek management support. It is important to note that primary emphasis should be placed on prevention of such situations arising.

Support for Smokers

- 11.1 Information on stopping smoking with support from local cessation services is available on the NHS Smokefree website [NHS Smokefree](#) . The NHS Smokefree National Helpline telephone number is 0300 1231044 or 0800 0224332 and more locally the Surrey NHS Stop Smoking Helpline is 0845 6023608 or 01483 519616.

- 11.2 The Council will support national and local events such as No Smoking Day, Stoptober and Healthy Living Week to promote the health benefits of being a non-smoker.

Monitoring and reviewing

- 11.1 This policy will be reviewed annually to ensure that it continues to meet its original purpose and reflects any changes to the supporting legislation. The effectiveness of this policy will be monitored through the following areas:
- Information regarding this policy being made available to all prospective staff.
 - The active promotion of the policy and its objectives to existing staff.
 - Staff feedback on healthy living initiatives.
 - The safe disposal of discarded smoking materials.
 - The number of any disciplinary proceedings arising from this policy.