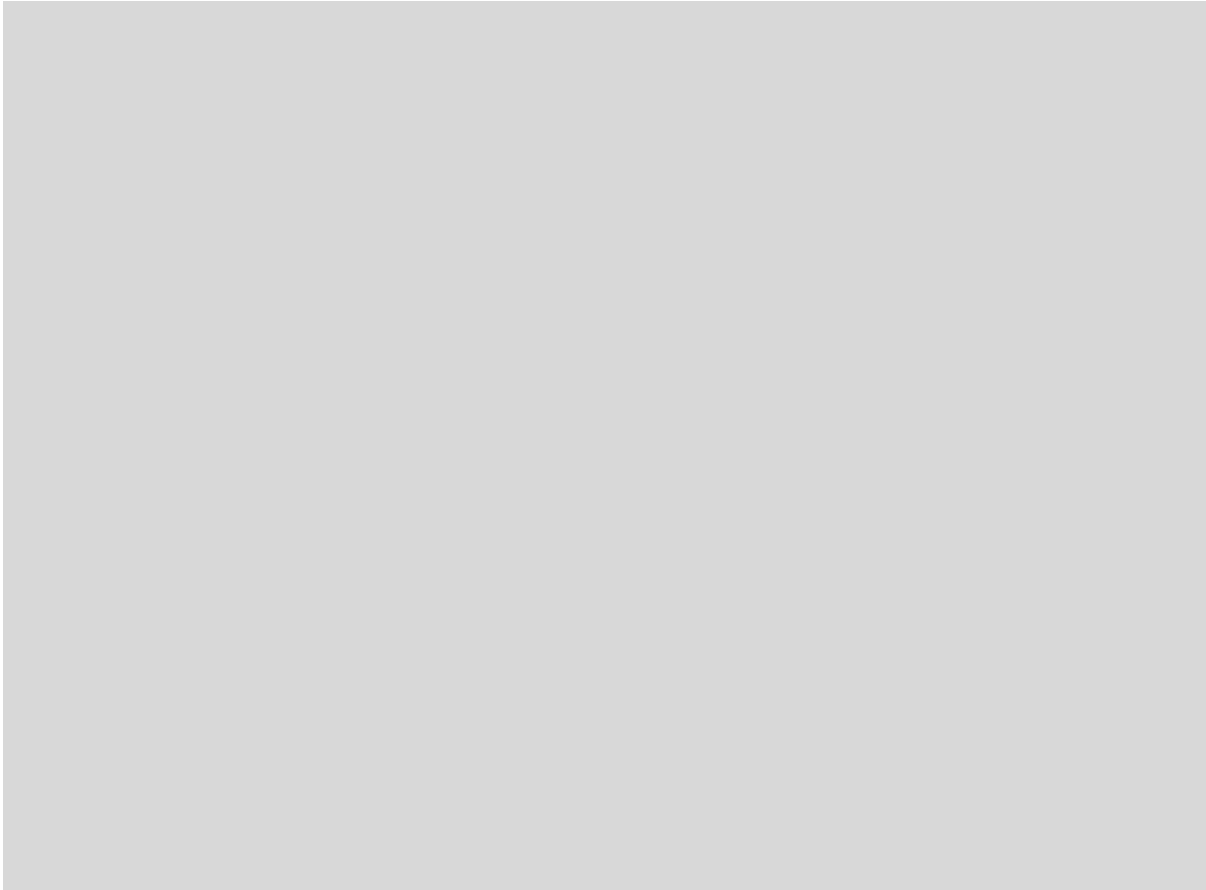


# Smoke Free Workplace Guidance and Frequently asked Questions



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**Authors: Heidi Douglas  
Karl Lowthian  
Lisa Rankin**



**This document does not form part of an employee's terms and conditions of employment and can therefore be reviewed, amended and withdrawn at the discretion of the Council.**

## Who should know about the Smoke Free Policy, and how will they know about it?

- **Existing employees:** Existing employees should seek out a copy of the Smoke Free policy and guidance. It is available to every employee via the following routes:
  - request a copy of the policy from your line manager
  - ask about the policy through team meetings
  - included in a Health and Safety notice or brief
  - request a copy for your team notice board
  - request an email link to the policy
- **New employees:** Line Managers must ensure new employees have access to and a chance to read the policy and guidelines as part of their induction process.

Information on stopping smoking and the support available will also be included in standard induction packs.

- **Customers:** Appropriate notices and signs should be displayed at all entrances and inside buildings to inform customers that we are a smoke free organisation that has restrictions on smoking.

Everyone is expected to challenge customers who ignore our smoking restrictions. They should be asked, in a sensitive fashion, to stop smoking or to move outside to smoke.

- **Other visitors and contractors:** Contractors working on Council premises must abide by the policy. You should make sure that all visitors and contractors are made aware of the policy and the requirement to comply with it, when they are on site.

## How do I challenge non-compliance?

All employees have a responsibility to co-operate with the Council to ensure health and safety in the workplace.

However, if an employee does contravene the policy, in most cases this is best dealt with informally in the first instance, for example as part of a 1:1 discussion. Where someone continues to disregard the policy, the normal disciplinary procedures will be applied.

## Why has the Council changed its Smoke Free Policy?

There is an agreement to review policies routinely and the Smoke Free policy is no exception. Through this review process, we are able to continuously improve and fulfil our commitment to support employee health and safety.

Additionally, as part of North Tyneside Council's responsibility for public health, it is appropriate to make sure that our Smoke Free policy does all it can to protect the welfare of employees who smoke, as well as those who could be affected by environmental tobacco smoke.

### **Why is the Council trying to tell me to stop smoking?**

The Council wishes to protect public health in all that it does. Whilst everyone has the choice whether or not to smoke in their private lives, the Council has decided it is not appropriate to smoke in work time and for people to smoke on the premises.

In line with this, the Council would like to be as supportive as possible to those who decide to stop. Research tells us that this will provide benefits to both an individual's health and finances, as well as benefits through increased productivity and reduction in sickness levels within the organisation.

### **Is smoking allowed anywhere in the Council's workplaces?**

The policy prohibits all employees of North Tyneside Council and our partners (including ENGIE and Capita) Elected Members, contractors and anyone else who visits, works in, or uses Council buildings from smoking. It also covers employees' conduct whilst on duty in private homes.

The workplace applies to all offices, corridors, lifts, toilets, stairwells, kitchens, staff rooms and eating areas, as well as Council owned land, open space e.g. parks, allotments.

It also applies to construction sites managed by the Council and to vehicles (including those that are privately owned but being used for work purposes) and those on loan, hire or lease. However, there are a few residential homes where residents are allowed to smoke in designated rooms but these are ventilated and carers are not required to stay in them whilst or after a resident smokes.

### **Can I leave my workplace during working hours to have a smoke?**

Employees are able to smoke during breaks such as lunch breaks as long as this is not on any Council premises as listed above. If an employee wants to take a smoking break this must be agreed in advance with their line manager and in their own time, for example, an employee who is part of the flexi scheme must sign out for the duration of their smoking break.

### **Don't I have a right to smoke if I want to?**

Everyone has a right to smoke if they so wish. However, North Tyneside Council has a duty of care to its employees. Extensive research tells us that tobacco smoke is the biggest cause of preventable early death. Everyone, the majority of who are non-smokers, has the right to be treated fairly and not be exposed to tobacco smoke.

Around 70% of smokers want to quit. The Council wishes to support individuals in this position to help them protect their own health as well as the health of their colleagues. However, this is not a compulsory requirement of employees.

### **What about e-cigarettes - as "there is no smoke" can I smoke these in the workplace?**

The Public Health England guidance document *Use of e-cigarettes in public places and workplaces (2016)* states that 'smoking is defined clinically and in law, and e-cigarette use does not meet the definition in either context'.

**i** A Public Health England independent expert e-cigarettes evidence review, published in 2018, found that vaping poses only a small fraction of the risks of smoking and switching completely from smoking to vaping conveys substantial health benefits

E-cigarettes have the potential to help drive down smoking rates and improve public health. The use of e-cigarettes cuts the number of smoking role models, reduces public smoking, provides role models for the rejection of smoking and can help to de-normalise smoking.

Evidence indicates that the risk to the health of bystanders from exposure to e-cigarette vapour is extremely low. This is in contrast to the conclusive evidence of harm from exposure to second-hand smoke. Whilst the risks to health of bystanders are extremely low, vaping may be a distraction for people nearby and is therefore not permitted inside Council buildings or in Council vehicles.

E-cigarette use is permitted within the Council grounds but not in Council buildings. For the comfort of others, e-cigarettes are not to be used near Council entrances.

### **The Council operates cafes, bars, day centres, leisure services and swimming pools. Are customers allowed to smoke there?**

Since 1st July 2007 these have become totally no smoking areas and employees, as well as customers, are required to adhere to this. In Sheltered Housing/Warden Schemes, all common areas are covered by the smoke free legislation. Employees who take smoking breaks near Council premises should carefully consider the negative impression this may give to local people, children and young people.

### **What are you doing to help employees who want to stop smoking?**

We recognise that smoking is a serious addiction. We also know that 7 out of 10 smokers would like to stop and therefore we are putting in place a package of measures to support them, including paid time off to attend stop smoking sessions and access to information on free local stop smoking services.

### **What do I do if a customer/ member of the public are smoking in a no smoking area?**

You should politely explain that the Council does not allow smoking in its buildings. Ask the person to stop smoking, or to move outside the building to a space where smoking is permitted.

If the person does not comply, or acts in a way that makes you feel you are at risk of escalating a conflict, quietly withdraw and inform your supervisor/ line manager where appropriate.

### **What about people who live in the Council's residential homes?**

Whilst the Council does not want to intrude into what is after all a person's own home, their behaviour can impact on others who share the same environment. Therefore, clients and their visitors should be politely asked, (under Council policy) to protect everyone from the harmful effects of smoke. This should be done, for example, by not smoking for a minimum of 1 hour before and during the staff visits and only in certain rooms if available. Employees are not allowed to smoke in these rooms.

As part of the 'Making Every Contact Count' agenda, employees who go into people's homes will be able to access training to raise the issue of client health behaviour in a sensitive fashion, such as the benefits of engaging with the Smoke Free Homes initiative, which can help free their home of second hand smoke and/ or stopping smoking.

Information which signposts the client to the NHS Stop Smoking Service may be included within initial and subsequent contact with the client.

If you enter a smoke-filled room in a customer's home, you must assess whether it is a safe environment for you to provide services. You have the authority to make alternative arrangements for the provision of services, ensuring at all times that the safety and welfare of the client is not compromised. Employees have the full support of North Tyneside Council to make decisions about services in these circumstances. Each case must be risk assessed on individual circumstances and employees must discuss these issues with their line manager.

If a client/customer or other person who is present (e.g. family members/ carers) becomes angry, abusive or violent or their behaviour creates additional risk e.g. smoking whilst on oxygen, you should withdraw and the situation must be immediately reported to your line manager.

### **As part of my job, I have to work in people's private homes. Can I smoke there?**

No, you are not allowed to smoke when on duty in people's homes, even if the householders themselves are smokers.

### **For a lot of my time at work, I am driving on my own in a Council van. Why shouldn't I smoke?**

Smoking by employees, customers or clients in Council vehicles is not permitted. This is supported by the 2007 legislation and protects other colleagues, who may need to use the vehicles, as well as encouraging safer driving.

### **What about when I use my own car on the Council's business?**

The restrictions on smoking do not extend to employee's own time in their private vehicles. However, if a private vehicle or one which is on loan, hire or lease is used to travel with other colleagues or carrying service users/children on Council business you have a duty of care as a Council employee, not to put anyone at risk of breathing environmental tobacco smoke. In these circumstances, your vehicle, for Council purposes is regarded as a public space.

### **I work outdoors. Does this mean I can smoke at work?**

No – you can only smoke as part of a designated break as explained in the earlier question. In addition you must be discrete and ensure you are out of public view wherever possible.

### **Where can I get help and advice to give up smoking?**

Support is available for those who wish to stop smoking from selected community pharmacies in the borough, as list of which can be found here:

<https://www.activenorthtyneside.org.uk/stop-smoking/>

Stop Smoking Brief Interventions training is available via the learning pool.

### **Guidance for Managers of Domiciliary Carers, Building Maintenance Workers and other employees who undertake Home Visits**

Employees who are required to enter a person's home to provide a service are at risk of second-hand smoke if the service user, or others in the service user's household are smokers. Private dwellings are not generally covered by the smoke free law, and therefore steps should be taken to minimise this risk for employees.

Any employee, who, following the implementation of these measures, visits a smoker in their own home and still identifies this as a risk to their own health, may opt to cease visiting that service user by informing their line manager. Alternative action should then be identified by the line manager, such as changing the visitor or reducing/sharing the frequency of visits amongst team members.

The following points are recommended actions that may be taken by relevant service areas in order to support employees to assess the risk associated with the people they visit:

- Establish a protocol that covers all workers/volunteers who visit services users in their own homes.
  - The protocol should describe the law as it stands to protect workers from exposure to tobacco smoke and a request to service users not to smoke during the visit, and ideally ventilate the place and refrain from smoking for an hour before the visit is to take place.
  - This protocol should be put into a patient's letter or leaflet and be available in a bi-lingual form.
- Establish a list of homes visited by employees, which is occupied by known smokers, whether this is the service user or a family member.
- Identify employees who have a pre-existing condition such as asthma, Chronic obstructive pulmonary disease (COPD), or cardiovascular disease, that may be worsened by tobacco smoke, and those who face additional risks, for example because of pregnancy. Employees who have such conditions are at a higher risk and particular care should be taken to prevent or minimise their exposure to tobacco smoke.
- Take steps to reduce the exposure that employees might face. This includes writing to all those who will be visited to ask them, and those who may be with them, not to smoke during the visit, ventilate the area and not to smoke for an hour so before the visit is to take place.
- Ensure that no employee is expected to make consecutive visits, or a sequence of visits, to homes in which they are likely to be exposed to tobacco smoke.
- Where an employee visits for the first time to a household where someone smokes, they should check that the service user understands the protocol/letter and go through it with them. It should be anticipated that some service users may need more information, discussion and negotiation before they will follow the protocol/ letter.

### Example information for clients/customers

#### **“Please take care of the people who take care of you” - important information for people receiving home visits**

Please consider the needs of our employees and provide them with a smoke free environment.

Second-hand smoke, or passive smoking as it's sometimes called, has been found by the Government Scientific Committee on Tobacco and Health to be detrimental to people's health.

It can cause heart disease, stroke and lung cancer in adults. Being exposed to second-hand smoke even for a short time can cause eye irritation, headache, cough, sore throat, dizziness and nausea.

Employers have a duty in common law to take reasonable care to protect the health of employees. North Tyneside Council is required by the Health and Safety at Work Act 1974 and smoke free legislation, passed with effect from 1<sup>st</sup> July 2007 to ensure that employees and others are not put at risk.

We therefore ask if you would do everything possible to provide a smoke free environment, when our employee visits you in your home.

### **Example information leaflet for clients/customers**

(this can be amended depending upon service arrangements)

### **“Please take care of the people who take care of you” - important information for people receiving home visits**

#### **How to protect employees from exposure to second-hand smoke:**

- Please refrain from smoking inside the house for at least 1 hour before they arrive.
- Please open windows and doors to fully ventilate the area.
- Please try to keep one room smoke free at all times.

#### **During the visit:**

- Do not smoke, or let anyone else in the household smoke in the area you have identified to be smoke-free at all times
- Wherever possible, reduce the possibility of smoke drifting into the smoke free area and putting the employee’s health at risk by asking other smokers to go outside to smoke

#### **Our North Tyneside Council Policy**

We ask our employees to assess whether any environment they enter is safe for them to provide their services. If a smoke free environment cannot be provided, a risk assessment will be required in order to reduce risk to a level that is as far as is reasonably practicable. We will support employees to leave an environment they deem to be unsafe. If necessary, you will be offered alternative service options.

#### **Our undertaking to you**

All routine visits will be pre-booked and you will be given a time for the visit. If our employee is delayed, you will be contacted as soon as possible.