

Smoke Free Workplace Policy



Date: January 2019 Version: 1

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does not form part of an employee’s terms and conditions of employment and can therefore be reviewed, amended and withdrawn at the discretion of the Council.

North Tyneside Council Smoke Free Workplace Policy & Guidance

Introduction

North Tyneside Council supports and promotes the principle of a Smoke Free policy in all our workplaces in an effort to provide a healthy and comfortable working environment for employees, Elected Members, contractors, service users and visitors.

The Health Act 2006 made it illegal to smoke in all enclosed workplaces and public spaces in England with effect from 1 July 2007.

The smokefree provisions of the Health Act cover not only tobacco in cigarettes, pipes and cigars but also herbal tobacco. These are all prohibited when lit, even if the person is not smoking at the time.

Legislation bans smoking in all enclosed and substantially enclosed work places, work vehicles and public buildings and people who break this law can be fined.

North Tyneside Council accepts its responsibility as an employer to provide a safe and healthy workplace for all its employees as required by the Health and Safety at Work Act 1974. Second hand smoke is a health and safety issue. The Council has a responsibility to minimise as far as possible the risks to health from being exposed to second hand smoke at work.

In order that the Council fulfils its legal obligations, visitors, including contractors, will be required to conform to the smoking controls that apply to employees. Anyone found smoking will be informed that they are committing an offence and will be asked to extinguish their smoking material immediately or leave the premises.

Electronic Cigarettes and Vaping

Electronic cigarettes are not covered by the legal ban on smoking in enclosed workplaces. North Tyneside Council’s policy on smoke free workplace is extended to electronic cigarettes in that the use of an electronic cigarette is prohibited in all enclosed work places, work vehicles and public buildings.

Use of electronic cigarettes is acceptable on Council grounds; however for the comfort of employees, Elected Members, contractors, service users and visitors, vaping is not permitted around any entrances or exits to Council Buildings.

Application of Policy

This policy applies to all Council employees, Elected Members, service users and contractors and applies to all Council operational buildings, vehicles and activities.

The following environments are required to be smoke free:

- In all vehicles used for work purposes this includes vehicles owned or leased by the Council and employees' and volunteers' own vehicles, when used on Council business, where shared with other employees, voluntary staff, or service users; or
- Around the perimeter of and in any Council operational premises (including temporary buildings such as site cabins) and when visiting other indoor workplaces,

public buildings and private dwellings or premises that are wholly or partially enclosed.

- Car parks that service Council offices and buildings.

Smoking and Vaping:

Employees can leave a building to smoke and vape during working hours subject to the following restrictions:

- Permission being obtained from the person's line manager;
- Mandatory use of the flexi system or equivalent manual time record system to clock or log out and back in; and
- Employees cannot vape in the immediate vicinity of any entrances and exits, window openings and air intake points.
- Employees do not smoke on Council Grounds (including car parks)
- Where Council employees are present in another organisation's workplace, employees will adhere to any additional smoking policies or restrictions put in place by that organisation.

Breaches of the policy

Smoking by employees and the permitting of smoking by managers' is a breach of this policy. Any breaches will be dealt with informally in the first instance to ensure the employee understands the policy and how it applies to them. Any further breaches will result in action under the disciplinary procedure. Any breach by Elected Members will be dealt with under their code of conduct.

Responsibility of Managers

Managers with a responsibility for managing Council buildings should publicise the smoking ban in Council operational buildings and premises in respect of services and events for which they are responsible for delivering. This includes displaying at least one legible smoke free sign in Council Buildings at the main entrance and one in every passenger carrying Council work vehicle, where this is part of their responsibilities.

Managers are responsible to ensure that signage is legible to staff and the public. Managers are responsible for the reordering of any signage that has been damaged.

All managers with responsibility for the line management of staff must enforce the smoking ban, including considering whether it may be appropriate to take disciplinary action against employees who fail to comply with the policy and against subordinate managers who permit employees to contravene the policy. Where appropriate, managers may impose sanctions on contractors, service users and members of the public who fail to comply with the ban. Examples of sanctions include terminating meetings, asking persons to leave the premises (unless it is felt that such action may lead to threats of, or actual, violence). It may be appropriate to withdraw services in some limited cases, where this does not expose the service user to an increased risk to their health or safety.

Employees Undertaking Home Visits

Line managers and employees should discuss issues around exposure to second hand smoke in respect of home visits to private dwellings and should consider:

- Empowering employees to politely ask service users who smoke in the same room, to stop for the duration of the visit. Employees must be allowed to use their judgement in deciding whether this approach is appropriate. They will need to consider the circumstances of the visit and whether it will antagonise the situation and expose them to risk;
- Issuing a polite request in any correspondence to service users informing them of a forthcoming visit, to refrain from smoking in the same room as the employee for the duration of their visit to enable the Council to help protect the health of its employees;

Employees Working Outdoors

Employees working outdoors are expected to comply with this policy. Outdoor workers who encounter exposure to second hand smoke are encouraged to politely ask members of the public who smoke to extinguish the smoking material or move away from the work area as this is designated as a place of work, they should also be reminded of the Council's Smoke Free Workplace Policy.

“Sir/Madam, may I request that you refrain from smoking whilst I/we are undertaking our work within (the location of the work) this workplace, we would like to thank you for complying and keeping North Tyneside smoke free”.

Providing Support for North Tyneside Council Employees Wanting to Stop Smoking

North Tyneside Council recognises that smoking is an addiction and wishes to support employees (this includes Elected Members and employees of partner organisations such as ENGIE and Capita) who want to stop.

Smokers are more likely to quit with support from a trained stop smoking advisor. Employees can access the North Tyneside Stop Smoking Service, which is provided in 29 pharmacies across North Tyneside.

A list of pharmacies that provide stop smoking support can be found here:

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

Employees who do not reside in North Tyneside, or are not registered with a North Tyneside GP Practice, will need to show their employee ID badge to access support in the participating pharmacies listed via the link above.