

SMOKEFREE WORKPLACE AND PUBLIC PLACE POLICY

1. Aims of the Policy

All managers of enclosed workplaces and public places have a responsibility for the maintenance and, where possible, improvement of the health of staff and users of their services and we acknowledge that breathing other people's smoke is both a public health hazard and a welfare issue, proven to cause ill health. This Policy recognises that secondhand smoke adversely affects the health of all employees. It is not concerned with **whether** anyone smokes but with **where** they smoke and the effect this has on staff and other members of the public. It is also concerned with the exclusion of preventable carcinogenic substances in the locality of our premises.

We actively encourage employees to refrain from smoking outside the times and circumstances set out in this policy, both in their own interests and as representatives of this organisation. However, this falls outside the scope of this Policy.

The policy seeks to:

- Guarantee a healthy working environment and protect the current and future health of employees and members of the public

- Guarantee the right of everyone to breathe in air free from tobacco smoke

- Comply with Health and Safety Legislation and Employment Law

- Raise awareness of the dangers associated with exposure to tobacco smoke

- Take account of the needs of those who choose to smoke and to support those who wish to stop

1.1 Introduction

Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to:

'...provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.'

In Summer 2007 the Health Act 2006 comes into effect. This new legislation makes provision for the prohibition of smoking in certain premises, places and vehicles. Section 2 (2) *states that premises must be smokefree if they are used as a place of work including vehicles.*

Further detail on the Health Act 2006 and the regulations associated with this Act is available on www.smokefreeengland.co.uk.

Secondhand smoke – breathing other people's tobacco smoke – and sidestream smoke has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions.

2. General Principles and Scope

The aim of this Policy is to:

- Protect the health of staff

- Protect the health of visitors, contractors and users and/or clients of our services or products

- Inform staff and managers of their responsibilities in respect of the Policy

Support smokers to help them cope with increased restrictions on their smoking during the working day

Promote the culture of a smokefree organisation

This Policy will apply to all staff, visitors, contractors and other persons who enter the premises of this workplace/public place.

2.1 Restrictions on Smoking

Smoking is not permitted in any part of the premises or at entrances managed, leased or owned by the organisation at any time, by any person regardless of their status or business with the organisation. By premises is meant any building or substantially enclosed public or private area occupied by one or more members of the general public or a workspace whether used by one or more members of staff. Such spaces include lifts, corridors, stairways, lavatories, rest rooms, reception areas or entrances. (An enclosed area is one which has a permanent or semi permanent roof and has walls (including windows and doors) enclosing more than 50% of its perimeter.)

2.2 Visitors

All visitors, contractors and deliverers are required to abide by the smokefree policy. Staff members are expected to inform visitors of the policy. However they are not expected to enter into any confrontation that may put their personal safety at risk.

2.3 Staff

Staff are only permitted to smoke whilst off duty (in official break times only) and are only permitted to smoke in unenclosed designated areas.

2.4 Vehicles

Smoking is not permitted in vehicles belonging to or leased by the employer nor staff private vehicles if ever used to carry members of staff or members of the public whilst carrying out the duties of an employee.

2.5 Support for Smokers

Information on stopping smoking with support from local cessation services will be provided for smokers. The NHS Smoking Helpline number is **0800 169 0 169**. The helpline can offer advice and support on stopping smoking along with a website at www.givingupsmoking.co.uk.

2.6 Sales of Tobacco Products

It is a criminal offence for anyone to sell, transport or possess illegal tobacco products. Penalties for such offences may include imprisonment and/or fines including fines of up to £5,000 for any Manager allowing their premises to be used for such activities.

The selling/storing and dealing in any way of illegal cigarettes and tobacco on the employer's premises will not be tolerated.

We will fully co-operate with Law Enforcement agencies, such as HM Revenue and Customs, in their investigations. Any such illegal activity will be considered as Gross Misconduct and will result in appropriate disciplinary action.

3. Introduction and Implementation of the Policy

Staff, whether employed or voluntary, are personally responsible for complying with this Policy. Responsibility for implementing this Policy rests with the management. Day-to-day responsibility for implementation lies with managers. To ensure that everyone understands that smoking is only allowed in designated areas away from buildings, clear signs will be displayed.

Tenders and contracts will stipulate adherence to this Policy as a contractual condition. Existing contracts will be modified as soon as possible.

Job advertisements will include reference to the smokefree policy and indicate that adherence to it will form part of the contract of employment.

3.1 Disciplinary Action

Any member of staff refusing to observe the policy by smoking in unauthorised areas will be liable to Disciplinary Action in accordance with the organisation's Disciplinary Policy.

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 staff feel apprehensive about their own safety in regard to 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.

In the event of a breach of the policy by a visitor or staff member of other organisations, they 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 as appropriate. In the event that staff of other organisations continue to breach the Policy, the appropriate organisation should be advised in writing of the consequences of breaching these requirements.

3.2 Monitoring and Reviewing

The following will be monitored:

- That prospective employees are advised of the Policy
- That the Policy forms part of the induction programme
- That discarded smoking materials are disposed of safely

This Policy will be reviewed (*state the regularity*) to ensure that it continues to meet the aims of the original Policy. The Smokefree Policy Co-ordinator is..... s/he can be contacted by

Comments related to the maintenance of this Policy should be directed to the Smokefree Policy Co-ordinator.

This policy was adopted by the management team at their meeting on [date]

Review Date: [date]

References

1. National Clean Air Award (2004) *Model Smoking Policy* at www.cleanairaward.org [Accessed August 2005]