

## G14 SMOKE-FREE POLICY

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#### **APPENDIX 1 - Smoking Areas Suitability Flowchart**

#### **APPENDIX 2 - Template Site Specific Smoke-Free Protocol**

### **1.0 INTRODUCTION**

We are fully committed to the provision of a safe and healthy working environment and banned smoking inside our office-based buildings in 1996. This went a long way towards protecting our workforce from second hand smoke.

We recognise that passive smoking and breathing other people's tobacco smoke has been medically proven to be damaging to the health of non-smokers. We have a duty to ensure the health of our employees regardless of their place of work.

The objective of this policy is to ensure compliance with *The Health Improvement and Protection Act 2006* which banned smoking in all enclosed public spaces and workplaces in England from July 2007 and that the health of employees and others is not adversely affected by second-hand smoke at work and encourage those employees who smoke to give up for health reasons. This policy also aims to reduce the risk of fire caused by discarded cigarettes or matches.

To meet these objectives, the following principles will therefore apply:

- a.** Employees and others shall not be exposed to tobacco smoke whilst at work if they do not wish to be.
  
- b.** Employees who wish to give up smoking will be encouraged and supported.

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## 2.0 APPLICATION

This policy applies to all employees, elected members, visitors, contractors, customers and clients.

For the purpose of this policy, the term 'employee' includes full-time, part-time, temporary, casual and permanent employees. It also includes Modern Apprentices, agency workers, volunteers and work-experience pupils/ students on placement with the County Council. This policy also applies to employees of other organisations whilst working on Lincolnshire County Council premises.

**Breaches of this policy by employees may lead to disciplinary action and breaches by non-employees may lead to other sanctions such as exclusion.**

## 3.0 PRINCIPLES & SCOPE

### 3.1 General Policy

Smoking will be prohibited in the following areas:

- All County Council owned and controlled buildings
- All County Council owned vehicles
- Private vehicles being used on County Council business where passengers are being carried.

Where we rent a building this policy will apply to all LCC employees working there. Where such a building is shared, we will request that the policy is adopted by other organisations.

*The Health Improvement and Protection Act 2006* banned all smoking within enclosed public spaces and workplaces. Some LCC sites may also have identified a designated smoking area, see 3.2. If no defined smoking area or special safety or health hazards has been identified, on site smoking may be permitted but must not take place near any doorways or open windows i.e. 20 metres.

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### **3.2 Designated Smoking Areas**

On some sites designated smoking areas may need to be identified. Any area must meet the criteria of the [“Smoking Areas Suitability Flow Chart”](#), see [Appendix 1](#). This area will become the only authorised location for smoking on site, staff and visitors must be made aware of the location of the smoking area and site procedures, [see Appendix 2 – Template Site Procedure](#).

Any employee found to be smoking on site outside the designated smoking area will be subject to the appropriate disciplinary procedure. Incidents can be reported directly to their line manager in the first instance or the person responsible for the area in which smoking is taking place.

All buildings which previously permitted smoking became smoke-free in June 2007. This included community support centres and day care centres which have now become smoke-free for staff and service users.

### **3.3 Stop Smoking Products**

#### **Use of e-cigarettes**

Though the use of e-cigarettes is not prohibited under Smokefree law, due to the potential confusion and reporting which may arise, the same prohibitions and restrictions that apply to the use of cigarettes in the workplace will also apply to the use of e-cigarettes - see section 3.1 and 3.2 for details.

The latest evidence on e-cigarettes, commissioned by Public Health England, concluded that e-cigarette use is 95% less harmful than smoking. The use of e-cigarettes by a non-smoker however, is a source of potential unnecessary harm. Whilst the use of e-cigarettes could help some smokers to quit, in accordance with current guidance from the National Centre for Smoking Cessation and Training (NCSCT), smokers are encouraged to use nicotine replacement therapy as the safest source of nicotine, in place of smoking:

## **Nicotine Inhalers**

Some restriction on the use of Nicotine inhalers may be enforced, employees wanting to use an inhaler must inform their line manager and agree with them where and when they can use the inhaler. This will vary depending on the job role and in some cases inhalers may be deemed inappropriate whilst undertaking duties.

## **Nicotine Gum**

This product can be used. However some discretion may be needed as to when this is used i.e. front line/customer facing job roles. Gum must be disposed of correctly.

## **Nicotine Patches**

No restrictions on using this product. All used patches to be disposed of correctly.

## **Illicit Tobacco Products**

It is a criminal offence for anyone to sell, transport or possess illegal products. Penalties for such offences may include imprisonment and/or fines of up to £5000 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 employers 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 Gross misconduct and will result in the appropriate disciplinary action.

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### **3.4 Premises which are used by children/families, e.g. nurseries, schools, residential care**

All such premises which are 'wholly or substantially enclosed' are required to be smoke-free under the legislation. Smoking within children's residential care homes is totally prohibited; if staff do want to smoke it must be done off Children's Residential premises.

### **3.5 Policy for Third Party Premises**

Although we have a duty of care to protect our employees it cannot control the smoking policy on third party premises. Employees required to visit third party premises should agree that the third party arrange for a non-smoking area to be provided for the duration of the visit. Where this is not possible, the third party should be requested to refrain from smoking inside the premises or in the meeting area for one hour before the visit and not to smoke for the duration of the visit.

In circumstances where it is not possible to arrange a visit beforehand, employees should seek advice from their line manager, who should take all reasonable steps to protect them from exposure to second hand smoke.

Employees may not smoke within the home of a service user.

### **3.6 Policy for Domestic Premises**

This policy does not apply to domestic premises therefore employees who work from home (and smoke) are outside the scope of this policy. However, where such home working involves meeting others at the employee's home, the smoker is asked to ensure that a smoke free area is available i.e. if the visitor is a non-smoker; there is an area within the employees' house which is smoke free.

### **3.7 Smoking Breaks**

Employees are not entitled to take specific "smoke-breaks" If employees wish to smoke during work hours this can only be done in breaks which can be taken by all employees, i.e. smokers are only entitled to the same number and duration of breaks as non-smokers.

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### **3.8 Services for Young People**

Where employees come into contact with young people during the course of their employment, they should safeguard the health of young people by not smoking in front of them.

### **3.9 Signage Requirements**

All County Council owned and controlled buildings and all Council owned vehicles will display appropriate no-smoking signage.

All Council owned and controlled buildings are required to display no-smoking signs at each entrance to the premises. Signage must be displayed in a position that is prominently visible to persons entering the premises. The no-smoking signage displayed at each 'public' entrance must:

- be a flat, rectangular sign with minimum dimensions of A5 in size
- display the international "no smoking" symbol; and
- carry the words:

*"No Smoking. It is against the law to smoke in these premises."*

All County Council owned vehicles will be "smoke free" and must display a no-smoking sign in each compartment of the vehicle in which people can be carried. This must show the international no-smoking symbol no smaller than 70mm in diameter.

## **4.0 RESPONSIBILITIES**

### **4.1 Directors, Assistant Directors and their Managers**

Making employees and job applicants aware of the policy and any detailed application in their own Directorate.

Monitoring, enforcing and promoting the policy.

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Provide support to employees who are experiencing difficulties.

Deal with breaches of the policy quickly and effectively. This is to ensure that the integrity of the policy is retained and to avoid other employees feeling aggrieved. Visitors not complying with the policy will be asked to comply or leave the premises.

Where Council owned committee rooms, meeting places, halls, training areas and other facilities are hired out to third parties those individuals or groups should be informed that the locations are smoke free.

#### **4.2 Corporate Health and Safety Team**

Review and Revise the policy. This policy will be kept under review and may be revised in line with legislation, or emerging professional information and advice.

#### **4.3 Employees**

All employees shall be required by their contracts of employment to comply with the Council's Smoke-Free Policy.

## **5.0 GUIDANCE & SUPPORT**

The Smoke-Free Policy is committed to raising employee awareness of the dangers of smoking and second hand smoke. The Council will continue to promote and support non-smoking campaigns and initiatives. Publicity will be given to the dangers to health linked with smoking and the risks associated with passive smoking.

#### **5.1 Support for Employees who Smoke**

The Council knows that there are some smokers who wish to stop smoking. For employees who want to stop smoking the following support will be in place to help them:

- Information on the free local NHS Stop Smoking Service will be made widely available to employees via Human Resources, Health and Safety Advisers, GEORGE, Occupational Health, and via their manager.

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- Employees can approach NHS Stop Smoking Service directly for FREE specialist advice tailored to the individual's needs. The Council will give employees who smoke up to 6 hours paid leave to attend one-to-one or support group cessation sessions, by arrangement with their line manager. If further sessions are needed employees will be encouraged to arrange these in their own time.

Managers will need to recognise that nicotine is an addictive substance and that some employees may have difficulties complying with the policy initially. It is essential that managers treat this issue sensitively and with empathy.

Where appropriate, managers can encourage and remind employees of the support and encouragement being offered by the Council to help them stop smoking.

Elected Members and Managers who smoke are encouraged to lead by example, and comply fully with the policy.

Managers and Human Resources must ensure that the current position of the smoking policy is clearly explained to applicants at the appropriate stages of each recruitment process.

## **5.2 Second Hand Smoke Exposure**

Employees who are currently exposed to second hand smoke during the course of their duties should seek advice from their manager, who will aim to put in place all reasonably practicable steps to protect them. Any employee who has concerns regarding exposure to second hand smoke should raise these with their line manager who should review the relevant risk assessment to ensure that suitable controls are in place to minimise the risks to the lowest level practicable. Although we will implement reasonable control to reduce employee exposure to second hand smoke within the workplace, the employee also has a responsibility to follow these control measures and take all reasonable steps to avoid second hand smoke as and when possible.

## **5.3 Guidance for Managers**

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## **Informing Employees of the Policy**

Employees will be informed of the policy via the following communication routes around:

- Article on GEORGE
- Recognised Trade Union representatives
- Managers will seek to discuss the policy with smokers and its implications

## **Implementing the Policy with Employees**

Managers should provide any employee who requests it with information on the NHS Stop Smoking Service. This is a FREE service that offers specialist advice tailored towards the needs of the individual. The service is offered throughout Lincolnshire and at varying times, including some evenings and weekends. Further information can be obtained directly from the NHS Stop Smoking Service (see '*Sources of further Support and Information*')

Managers may need to review areas immediately adjacent to Council buildings or doorways where employees may be smoking. The negative impressions caused by smokers standing outside entrances to Council buildings have been raised as a concern by managers and other employees. Employees may need to be reminded that if they choose to smoke during their own time adjacent to Council buildings they must still comply with the Smoke Free Policy and be sensitive to the environment in terms of litter and those around them who may be exposed to their smoke.

### **COMMITTEE REFERENCE:**

Policy Committee 9 July 1996.

## **6.0 FURTHER INFORMATION & SUPPORT**

### ***Quit 51 Stop Smoking Service***

*Telephone: 0800 622 6968*

*Text: 'smokefree' to 66777*

*Email: [contact.quit51@nhs.net](mailto:contact.quit51@nhs.net)*

## **NHS Stop Smoking Service**

Lincolnshire County Health Services NHS Trust

Welton house

Lime Kiln Way Lincoln LN2 4WH

Tel: (01522) 574200

Fax: (01522) 574201

**NHS Smoking Helpline** - 0800 169 0169

## **ASH**

Action on Smoking and Health

102 Clifton Street

London

EC2A 4HW

Tel: 020 7739 5902

Email: [enquiries@ash.org.uk](mailto:enquiries@ash.org.uk)

Web: <http://www.ash.org.uk>

ASH is a national organisation with branches throughout England and Wales.

## **National Institute for Health and Clinical Excellence**

Web: <http://www.nice.org.uk>

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## **East Midlands Public Health Observatory**

Web: <http://www.empho.org.uk>

## **NHS – Giving up Smoking**

Web: <http://www.givingup-smoking.co.uk/>

Ask your GP surgery or health centre. The Practice Nurse may be able to offer one-to-one counselling. Ask your pharmacist or GP for further information on products to aid withdrawal from nicotine.

### **ADVICE AND SUPPORT**

For further advice on the policy please contact the [Corporate Health and Safety Team](#) , or your HR Adviser if there is a human resource issue involved.

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