

SMOKE FREE WORKPLACE POLICY



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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CONTENTS

1.0	Introduction.....	2
2.0	Aims	2
3.0	Application	3
4.0	The Legislation in Operation	3
5.0	Third Party Premises	4
6.0	Disciplinary Action	4
7.0	Monitoring and Review	4
8.0	Help for Those Who Smoke.....	4
9.0	Equality Impact Assessment.....	5
10.0	Portley Hill Depot – Designated Smoking Area.....	5

1.0 Introduction

Smoking is one of the key causes of ill health and premature death in the UK. As well as harming smokers it causes discomfort and potential ill health for non-smokers. It is estimated that in the UK 100,000 deaths each year are directly caused by smoking. Smoking leads to a number of serious and fatal conditions, including circulatory and heart disease (CHD), many cancers and chronic obstructive airways disease (COPD). Around 86% of lung cancer deaths are caused by smoking which is around 35,600 people each year based on the overall lung cancer figures. Smokers are almost twice as likely to have a heart attack compared to people who have never smoked.

East Cambridgeshire District Council (ECDC) is committed to supporting the health and wellbeing of its workforce. As there is clear evidence that both smoking and the inhalation of second-hand tobacco smoke are dangerous to health the Council has a responsibility both to protect its non-smoking workforce and to support those who do smoke in their efforts either to smoke less while at work or to stop altogether. It is understood that almost two thirds of smokers in the British general population say they would like to quit.

Legislative background

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.'*

The Health Act 2006 *made it illegal to smoke in all enclosed public places and enclosed workplaces in England.* The Act also places a responsibility on employers to ensure that *no smoking takes place in areas which may lead to others being exposed to second-hand or side stream smoke.*

2. Aims

The Policy seeks to:

- guarantee a healthy working environment and protect the current and future health of staff and members of the public;
- guarantee the right of everyone to breathe in air free from tobacco smoke;
- comply with the Health Act 2006;
- raise awareness of the dangers associated with exposure to tobacco smoke;
- take account of smokers' needs;
- support staff who wish to stop smoking;
- inform staff and managers of their responsibilities in respect of this Policy;
- support smokers to help them adjust to increased restrictions on their smoking during the working day; and
- promote the culture of a smoke free organisation.

3. Application

This Policy will apply to all staff, Elected Members, visitors, contractors and other persons who enter any premises or vehicles used as workplaces by East Cambridgeshire District Council (ECDC). This Policy also applies to the use of electronic cigarettes and aims to prevent exposure to the vapours they produce in the same way that exposure to tobacco smoke is prevented, which is in line with the guidance issued by Public Health England.

4. The legislation in operation

The legislation applies to all ECDC enclosed buildings, related areas and Council owned vehicles. ECDC premises and vehicles are designated as smoke free areas.

Internal spaces (more than 50% enclosed) and work vehicles must be smoke free by law. Smoking in these areas would attract penalties under the legislation for the smoker and the District Council.

Smoking is prohibited in:

- All premises owned and occupied by East Cambridgeshire District Council, including the external site on which the building is located. This includes staff car parks, adjoining buildings and other land associated with the building to the designated boundary. The exception is the Portley Hill Depot, which has a designated smoking area within its boundary (see Section 10).
- Buildings where the Council is the owner and occupies part of, but not all of the building, for example, E-Space North and South which have multi-tenanted offices, a "No Smoking in or around this entrance" rule will be applied with suitable signage displayed to this effect.
- Vehicles operated by the Council or used by employees in the course of their work are required to be smoke free for the purposes of this Policy. Therefore, smoking or exposure to second-hand smoke is not permitted at any time in any council operated commercial vehicle, van, pool car, lease car.

The Policy does not apply to Council public car parks, market areas and similar public areas.

Staff

Staff who wish to take a smoke break during working hours **must** get their line manager's approval before doing so, any member of staff failing to follow this policy may be subject to disciplinary action. Employees must ensure that they smoke off site or in a designated area (if provided).

Visitors

All visitors, contractors and deliverers are required to abide by the Smoke Free Workplace Policy. Staff members are expected to inform visitors of this Policy and direct them to an appropriate area in which to smoke.

Vehicles

Smoking is not permitted at any time in vehicles belonging to or leased by ECDC. When a member of staff's private vehicle is being used on council business to carry a work colleague or client, smoking is strongly discouraged. Note, since 2015 it is also illegal to smoke in a vehicle with anyone under the age of 18 years of age.

5. Third party premises

Some Council employees are required to visit or work at other premises in the community and in people's own homes as part of their duties. These venues may not be covered by the Act. The Council cannot therefore control smoking on these premises but still has a duty of care to its own employees.

Where appropriate, customers or partners should be asked to consider refraining from smoking when members of staff are present. There may still be occasions where managers will need to undertake a risk assessment to ensure that all reasonable steps are taken to protect employees from exposure to workplace tobacco smoke.

6. Disciplinary action

Employees who fail to comply with the smoke-free workplace legislation will be subject to the Council's disciplinary procedures as well as to any sanction that may be applicable under criminal law. Advice in relation to specific cases should be sought from the HR Team.

7. Monitoring and review

The following will be monitored:

- That staff are advised of the Policy.
- That the Policy forms part of the induction programme.
- Compliance with the Policy is monitored.
- Smoking status as part of assessment of health needs of staff through surveys.
- That discarded smoking materials are disposed of safely and in an appropriate waste receptacle.

This Policy will be amended as necessary to reflect any changed circumstances or to comply with relevant legislation. Any issues regarding the interpretation of the Policy, or proposed changes to it should be directed to the Corporate Health and Safety Advisor.

8. Help for those who smoke

Stopping smoking is not easy but is enormously beneficial to health and wellbeing to the smoker and his/her family. Quit attempts with support have a 4 times greater chance of success than those without.

Smokers who request support to stop smoking will be fully supported by the Council, provided with information and contact details of the local stop smoking service, **CAMQUIT, 0800 0184304** or at **www.camquit.nhs.uk**, and given access to medical and occupational health services as necessary.

9.0 Equality Impact Assessment

This Policy has been Equality Impact Assessed. The Policy aims to meet the diverse needs of the workforce, ensuring that none are placed at a disadvantage over others. The Equality Impact Assessment confirms that this Policy meets the standards.

10. Portley Hill Depot – Designated Smoking Area

