



## Smoking / Vaping at Work Policy

### Purpose

The Health Act 2006 requires all enclosed and substantially enclosed workplaces (including vehicles) and public places to be smoke free. The purpose of this policy is to describe what the Council and our staff need to do to meet the legal requirements of the Health Act 2006 regarding Smoke Free Regulations, and to ensure that the Council's buildings and vehicles covered by the legislation are compliant. Our staff need to understand how to comply with this legislation so as to minimise the risk of being in contravention of the law and being subject to disciplinary action.

### General Principles

- 1.1 Smoke-free legislation ensures that staff have a healthy working environment and protects staff and members of the public from exposure to second-hand smoke. There is also a general duty for employers to protect the health and safety of staff during work, including visits made to parishioner's homes as part of work duties.
- 1.2 Internally, we will reaffirm the provision of guidance and support to help those wishing to give up smoking or vaping. We will also take into account the needs of those who choose to smoke or vape. The Council actively encourages staff to refrain from smoking or vaping, both in their own interests and as representatives of the Council.
- 1.3 We recognise that the majority of staff who smoke or vape will show consideration for their colleagues in their smoking, or vaping, and will be responsible about disposing of cigarette ends. However, the policy is set out to provide clarity on relevant matters and to enable us to address any problems with smokers or vapers who are not considerate or responsible.

### Guidance for Staff

#### Smoking / Vaping in the Workplace

- 2.1 Smoking and vaping is prohibited in any part of the workplace including the Parish Office, the Lengthsmen Stores, including all areas of the Parish whilst the Lengthsmen are on duty, and all open spaces owned by the Parish Council whilst any member of staff is on duty.
- 2.2 Smoking and vaping is prohibited immediately outside the Parish Office and Lengthsmen Store.
- 2.3 Staff who smoke must extinguish and dispose of used cigarettes in a responsible way. In addition to being a fire hazard, discarding cigarette ends makes staff, like the public, liable to legal action for littering. This offence may also be considered as misconduct under our disciplinary procedures.

#### Smoking / Vaping Breaks

- 3.1 Smoking or vaping breaks may be permitted during working hours at the discretion of their Line Manager and providing this is not in view of the general public or be disruption to the service being provided. The impact the breaks may have on the individual's workload and on the team will be taken into account. The individual should also consider their colleagues and

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take responsibility for ensuring that they are happy to cover their work in their absence, if applicable

- 3.2 The line manager retains the authority to remove, temporarily suspend or vary the arrangement of smoking or vaping breaks if the individual takes breaks of an inappropriate frequency and/or duration or where the needs of the service are being compromised.
- 3.3 Staff who have been permitted to take a break for any purpose must account fully for their time away from their work and ensure that they make up the time lost.
- 3.4 When individuals wish to smoke or vape while on duty but away from the office, or if they work entirely in the open and/or away from other members of staff, individuals must still discuss their needs with their line manager and come to a sensible agreement. However, issues of safety and/or public perception are paramount and these must take precedent over the needs of the individual.

## **Vehicles**

- 4.1 Smoking or Vaping is not permitted in vehicles which belong to the Council. Private staff vehicles used during work for more than one member of staff should be smoke-free at that time.
- 4.2 Smoke-free signage will be displayed in all vehicles owned by the Council. The driver of the vehicle is responsible for monitoring the condition of signage, ensuring this is appropriately displayed and advising passengers that the vehicle is smoke / vape-free.

## **Signage**

- 5.1 “No Smoking” signs will be displayed prominently at entrances of the Parish Office and the Lengthsmen Store so all staff and visitors are informed that smoke and Vape free requirements apply.
- 5.2 The Parish Clerk is responsible for monitoring the condition and display of “No Smoking or Vaping” signage at the Parish Office and ensuring this is appropriately displayed.

The Head Lengthsman is responsible for monitoring the condition and display of “No Smoking or Vaping” signage at the Lengthsmen’s Store on Days Green and ensuring this is appropriately displayed.

- 5.3 It is a legal offence to fail to take all reasonable precautions to prevent smoking and vaping in smoke / vape free places. If smoking or vaping occurs in these places legal action can be taken against the person in control of premises at the time of the offence. Staff failing to take adequate steps to prevent smoking in such premises may also be subject to our disciplinary procedures.

## **Prohibition on the Sale of Tobacco Products**

- 6.1 We will not permit the sale of tobacco, tobacco products, e-cigarettes or vaping products in any of our premises. We will also fully co-operate with law enforcement agencies, in their investigations into any illegal sale of tobacco / vaping products by any staff. This activity may be considered as gross misconduct resulting in disciplinary action.



## **Protecting staff**

- 7.1 Staff visiting parishioners in their own homes have the right to not be exposed to secondhand tobacco smoke, and it is expected that all reasonable steps are taken to limit or prevent this type of exposure.

## **Guidance for Visitors, Volunteers and Contractors**

- 8.1 This policy also applies to all visitors, volunteers, contractors and Councillors, who are not permitted to smoke or vape within the boundaries and grounds of any premises used as a workplace for Council staff. All staff have responsibility to inform their visitors of the requirements.

## **Electronic cigarettes / Vaping Products**

- 9.1 We acknowledge that some staff may wish to use electronic cigarettes ("e cigarettes") or vaping products in the workplace, particularly as an aid to giving up smoking. Although they fall outside the scope of smoke-free legislation, the Council does not allow the use of e-cigarettes or vaping products in the workplace. The use of e-cigarettes or vaping products will fall under the definition of 'smoking' for the purposes of this policy.
- 9.2 The reasons for this are that while they do not produce smoke, e-cigarettes and vaping products produce a vapour that could provide an annoyance or health risk to other staff. Some e-cigarette or vape models can also, particularly from a distance, look like real cigarettes. This makes it difficult to monitor and enforce the guidelines of this policy, and may create the wrong impression to others (including the general public).

## **Breaches of the Policy**

- 10.1 Any member of staff refusing to observe the policy will be liable to disciplinary action in accordance with disciplinary procedure. Smoking and vaping in an unauthorised area will be a disciplinary offence and may also be contrary to the Health Act 2006. Taking a break to smoke or vape during core hours without authorisation, or dropping cigarette ends on the floor may also be viewed as a disciplinary offences.
- 10.2 In the event that you witness a breach of this policy, the persons concerned should be asked to extinguish all smoking or vaping materials. If they continue to smoke, the matter should be referred to the Parish Clerk. Staff are not expected to enter into any confrontation that may put their personal safety at risk.
- 10.3 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 members of staff feel apprehensive about their own safety in 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.

## **Support for Smokers**

- 11.1 Information on stopping smoking with support from local cessation services is available on the NHS Smokefree website NHS Smokefree. The NHS Smokefree National Helpline telephone number is 0300 1231044 or 0800 0224332



## Monitoring and reviewing

12.1 This policy will be reviewed annually to ensure that it continues to meet its original purpose and reflects any changes to the supporting legislation. The effectiveness of this policy will be monitored through the following areas:

- Information regarding this policy being made available to all prospective staff.
- The active promotion of the policy and its objectives to existing staff.
- Staff feedback on healthy living initiatives.
- The safe disposal of discarded smoking and vaping materials.
- The number of any disciplinary proceedings arising from this policy.

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