

SMOKING AT WORK POLICY

1. Introduction

- 1.1 The Council has a statutory duty under the Health Act 2006 to ensure that all enclosed public places and workplaces are “smoke free” (see Appendix 1). In addition, the Council has a duty of care to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees whilst they are at work. It also has a responsibility to provide safe places and systems of work. The risks to health from smoking and of breathing in other people’s tobacco smoke (passive smoking) are now accepted.

The aim of the Council’s policy on smoking is statutory compliance with the Health Act 2006 and associated smoke free legislation. The objectives are:

- a) To improve the health of employees and Members by providing help to those smokers who wish to stop smoking.
- b) To protect employees, Members and the public from the effects of breathing in other people’s tobacco smoke.
- c) To protect the Council from the threat of prosecution or litigation as a result of smoking in the workplace or enclosed public place.
- d) To heighten awareness of the health risks associated with smoking through the distribution of health education literature on giving up smoking and the health risks associated with smoking.
- e) To contribute to a healthy and safe environment for the Council’s employees and Members by encouraging smokers to stop smoking during working hours.
- f) To protect non-smokers from the dangers of environmental tobacco smoke by the provision of a healthy and safe environment, free from tobacco smoke.
- g) To provide encouragement, assistance and support to those employees and Members who wish to give up or cut down smoking through classes and counselling organised through the Occupational Health Service.
- h) To promote the aims of Public Health and to support the health of the Council’s employees by encouraging and, where required, providing assistance and support to help them stop smoking.

- i) To prevent adverse public perception being formed by preventing groups of BMBC employees or Members or public congregating at the entrance or exits of Council buildings, to smoke.

1.3 The Council's Smoking at Work Policy is not about whether or not people smoke but rather concerns protecting non-smokers from the effects of smoke and where and when people smoke on Council property, in enclosed public places, in workplaces or in vehicles.

1.4 Whilst it is hoped the Council's policy will encourage smokers to cut down or stop smoking, its primary concern is about smoking in Council time and where and when people smoke on Council property, in enclosed public places, in workplaces or in vehicles.

1.5 With regard to the use of electronic cigarettes – or e-cigarettes – the NHS¹ explain that these are electrical devices that mimic real cigarettes but produce a vapour that's *potentially* less harmful than tobacco smoke. Many e-cigarettes contain nicotine and, when they do, it's the vapour that gives the nicotine hit. They are not the same as an inhalator, which is a type of nicotine replacement therapy.

E-cigarettes have become increasingly popular. They're typically marketed as a healthier (and cheaper) alternative to traditional cigarettes. While e-cigarettes *may* be safer than conventional cigarettes, the long-term effects of them on the body are not yet known. In addition, there are other potential drawbacks to using them:

- Electronic cigarettes aren't regulated as medicines so their ingredients or how much nicotine they contain can vary, they don't always contain what it says on the label
- They aren't proven as safe. Some e-cigarettes have been tested by local authority trading standards departments and been found to contain toxic chemicals, including some of the same cancer-causing agents produced from tobacco
- The toxins in the vapour could affect users and other people nearby
- There is currently no proof that they can help people to stop smoking
- Nicotine is a highly addictive substance. As the marketing and sale of e-cigarette are not regulated currently children may start using them especially as some are sweet flavoured e.g. chocolate

¹ Source: [http://www.nhs.uk/Conditions/Smoking-\(quitting\)/Pages/Treatment.aspx](http://www.nhs.uk/Conditions/Smoking-(quitting)/Pages/Treatment.aspx), accessed 4th October 2013

- The availability and use of e-cigarettes that resemble cigarettes could 'renormalise' smoking, so encouraging their use among children and acting as a gateway to smoking

There are clinical trials in progress to test the quality, safety and effectiveness of e-cigarettes, but until these are complete, the Government can't give any advice on them or recommend their use. For similar reasons the use of e-cigarettes is also not recommended by Public Health. Therefore based on this, this Policy fully applies to the use of e-cigarettes.

2. Policy Provisions

- 2.1 With effect from 1st July 2007 smoking will not be permitted by any employee, Member or member of the public:
- a) In/on any designated Council workplace.
 - b) At or in the immediate vicinity of the entrance or exit of any Council workplace where they could be in view of the public.
 - c) In Council vehicles.
 - d) In enclosed public places (including public buildings) owned by the Council.

The entrance of all enclosed public places or workplaces will display appropriate signage in line with the provisions of the Smoke-Free (Signs) Regulations 2007. Further details on signage requirements are provided in Appendix 2 of this Policy.

In addition employees will not be permitted to smoke anywhere whilst at work. This includes in a client's home and in a public place. Smokers will therefore need to smoke in their own time and either 1) sign out and in utilising the flexible working arrangements or 2) record the break(s) on their time sheet.

- 2.2 The Council recognises its statutory duty under the Health Act 2006. However, the Council may need to make exceptions to the policy in relation to some clients in long-term residential care. These exceptions will be considered on a case by case basis following a full risk assessment and taking into account the individual client's care plan. Where the possible need for an exemption to this Policy is identified, the risk assessment must be carried out as soon as practically possible to ensure neither employees or other clients are put at risk.

It is expected that in exceptional cases any area designated as a smoking room must be fully ventilated and will only be available to residential clients. Staff will not be allowed to smoke in these areas nor will they be expected to accompany clients. In addition, members of the public (e.g. visitors or contractors) will not be allowed to smoke in these areas.

- 2.3 The Council recognises that many of its services/functions involve visiting residential premises. It is the Council's policy not to expose its staff to any tobacco smoke. It is recognised that staff working in residential premises may be subject to passive smoke and clients/carers will be asked to provide a smoke free environment. Further information on the provision of Council services/functions in residential premises is provided in Appendix 3 of this Policy.

Where a client refuses to provide a smoke free environment within their home, arrangements will be made to offer an appointment in a smoke free building. The Council reserves the right to withdraw its staff from working in such an environment.

3. Support and Assistance for Smokers

- 3.1 The Council is committed to providing a range of support, advice and assistance for employees and Members to comply with the policy, and where requested, cut down or stop smoking.
- 3.2 The Council will actively promote stopping smoking and will, through Public Health distribute health education messages on giving up smoking and the health risks associated with smoking. In addition, assistance is available via Barnsley Stop Smoking Service (01226 737077) or the NHS Smoking Helpline (0800 022 4332).

4. Implementation

- 4.1 Managers are required to identify, as soon as possible, those employees who may genuinely need assistance in adhering to the policy, and draw to their attention the support and assistance outlined in paragraph 3.2 of the policy.
- 4.2 Human Resources will ensure access to this Policy through its intranet websites. Directorates/departments are responsible for the dissemination and enforcement of this Policy and are responsible for making and distributing sufficient copies for the access of all employees at all work locations. Further information on the enforcement of this Policy is provided in Appendix 4.
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5. Enforcement

- 5.1 Any breach of this policy may be dealt with in accordance with the agreed disciplinary procedures.
- 5.2 Any employee or Member who observes a breach of this policy by an employee must contact the Health, Safety and Emergency Resilience Unit (ext. 2274) with details.

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Appendix 1 A Quick Guide to the Smoke Free Legislation

1.1 Introduction

The new law was introduced to protect employees and the public from the harmful effects of secondhand smoke. The key points are:

- From 1st July 2007 it is against the law to smoke in virtually all enclosed and substantially enclosed public places and workplaces (see below for definitions).
- Public transport and work vehicles used by more than one person will also need to be smoke free.
- No-smoking signs will have to be displayed in all smoke free premises and vehicles.
- Staff smoking rooms and indoor smoking areas will no longer be allowed, so anyone who wants to smoke will have to go outside.
- Managers of smoke free premises and vehicles will have legal responsibilities to prevent people from smoking.
- If you are uncertain where you can or can't smoke, just look for the no-smoking signs or ask someone in charge.

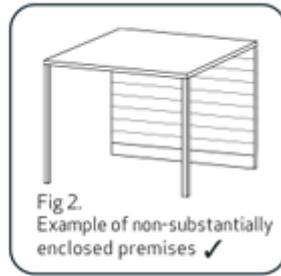
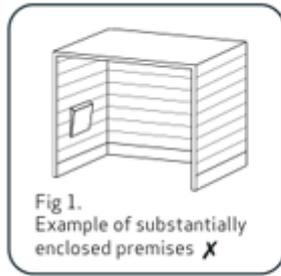
1.2 Penalties and fines for breaking the smoke free law

If you don't comply with the new smoke free law, you will be committing a criminal offence. The fixed penalty notices and maximum fine for each offence are:

- **Smoking in smoke free premises or work vehicles:** a fixed penalty notice of £50 (reduced to £30 if paid in 15 days) imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
- **Failure to display no-smoking signs:** a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) imposed on whoever manages or occupies the smoke free premises or vehicle. Or a maximum fine of £1000 if prosecuted and convicted by a court.
- **Failing to prevent smoking in a smoke free place:** a maximum fine of £2500 imposed on whoever manages or controls the smoke free premises or vehicle if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

Local councils are responsible for enforcing the new law in England.

1.3 Definition of enclosed and substantially enclosed



Premises will be considered **'enclosed'** if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis.

Premises will be considered **'substantially enclosed'** if they have a ceiling or roof, but have an opening in the walls, which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

Appendix 2 Smoke Free Signage

All smoke free premises and vehicles need to display no-smoking signs that meet the requirements of the legislation. Signs must make it clear which premises and vehicles are smoke free and demonstrate that the Council has taken the necessary steps to meet the requirements of the legislation.

No-smoking signs need to be displayed in a prominent position at every entrance to smoke free premises. Signs must meet the following minimum requirements:

- be a minimum of A5 in area (210mm x 148mm)
- display the international no-smoking symbol at least 70mm in diameter
- carry the following words in characters that can be easily read: 'No smoking. It is against the law to smoke in these premises'.



Under the statutory provisions the Council is free to personalise its signs by changing the words 'these premises' to refer to the name or type of premises – such as 'this school' or 'this day centre'.

A smaller sign consisting of the international no-smoking symbol at least 70mm in diameter may instead be displayed at entrances to smoke free premises that:

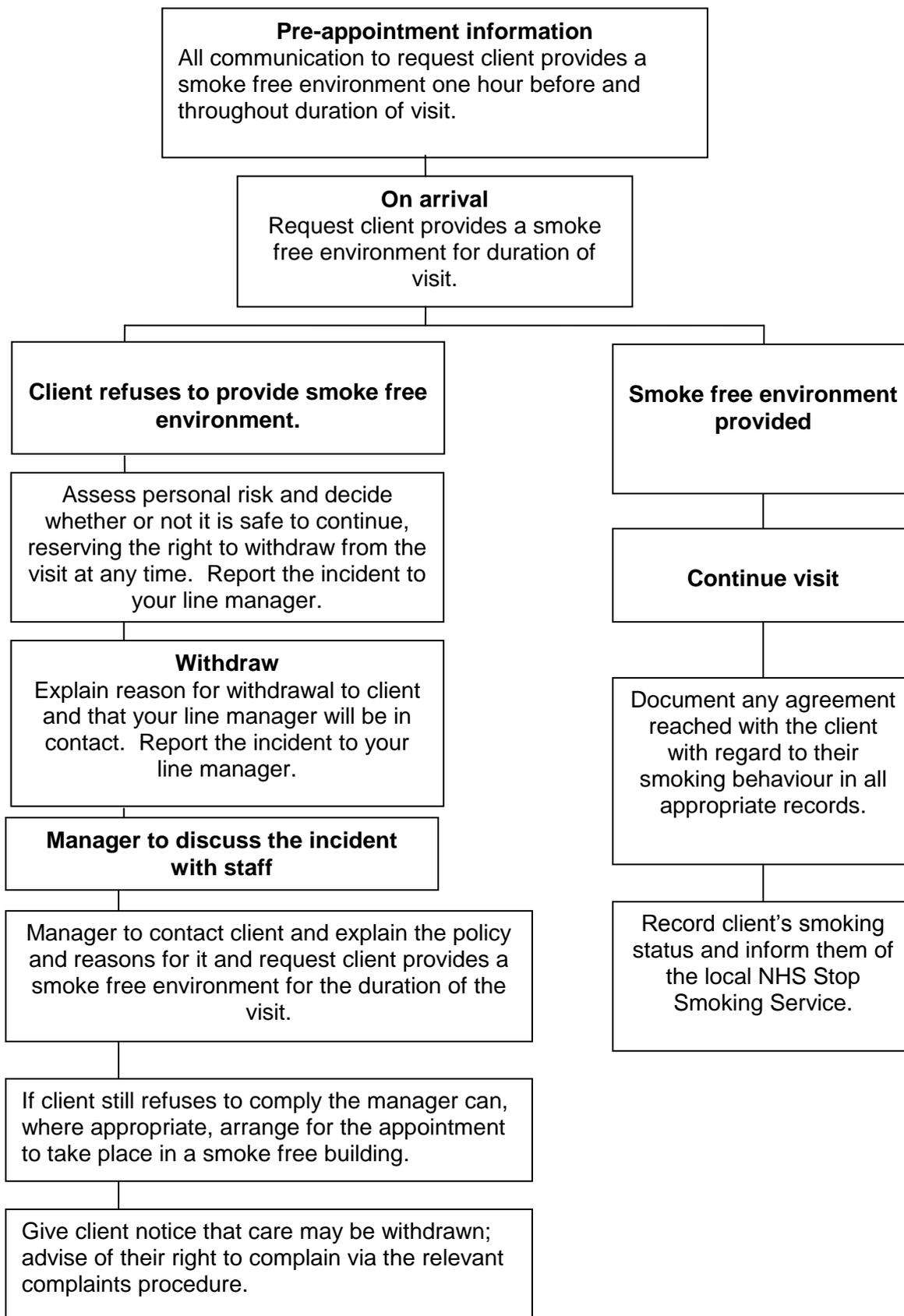
- are only used by members of staff – providing the premises displays at least one A5 area sign
- are located within larger smoke free premises, such as a shop within an indoor shopping centre.

Smoke free vehicles also need to 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 at least 70mm in diameter.

Appendix 3 Provision of Council Services/Functions in Residential Premises

- Appendix 3a – Flow chart for services/functions in residential premises
- Appendix 3b – Template smoke free information for clients/service users receiving home visits (to be printed double sided)
- Appendix 3c – Template smoke free letter for clients/service users receiving home visits
- Appendix 3d – Template smoke free telephone script for clients/service users receiving home visits

Appendix 3a – Flow chart for services/functions in residential premises



Appendix 3b – Template smoke free information for clients/service users receiving home visits (to be printed double sided)

Useful contact details

Barnsley Stop Smoking Services
01226 737077

NHS Smoking Helpline
0800 022 4332

Barnsley Metropolitan Borough Council
Town Hall
Barnsley
S70 2TA
01226 770770

This leaflet was revised October 2013



Smoke Free information

Information for people receiving home visits

We need your help...

Please consider the needs of our staff and provide them with a smoke free environment whilst they visit you.

Second-hand smoke or passive smoking has been found by the Government Scientific Committee on Tobacco and Health to be detrimental to people's health. It can cause heart disease, stroke and lung cancer in adults. Being exposed to second-hand smoke even for a short time can cause eye irritation, headache, cough, sore throat, dizziness and nausea.

We therefore ask if you would do everything possible to provide a smoke free environment when our staff visit you in your own home.

How to protect staff from exposure to second-hand smoke

- Refrain from smoking in the room of the visit for at least one hour before they arrive
- Open windows and doors to fully ventilate the area
- Try to keep one room smoke free at all times.

During the visit

- Please do not smoke or allow anyone in the house to smoke in the area.
- Wherever possible, when a member of Council staff is in your house, please ask other smokers to go outside to smoke.

The Council's smoke free policy

We ask our staff to assess whether any environment they enter is safe for them to provide their services. If a smoke free environment cannot be provided, a risk assessment will be required in order to reduce risk to a level that is as far as is reasonably practicable. We will support staff to leave an environment they deem to be unsafe. If necessary, you will be offered alternative service provision options.

Our commitment to you

All routine visits will be pre-booked and you will be given a time for the visit. If the staff member is delayed, you will be contacted as soon as possible.

**If you would like help to stop smoking please contact
Barnsley Stop Smoking Service
on 01226 737077**

Appendix 3c – Template smoke free letter for clients/service users receiving home visits

Dear Sir/Madam,

Important information for clients/service users receiving home visits

In line with the Health Act 2006, a smoke free policy has been implemented within Barnsley Metropolitan Borough Council. As a result, there has been no smoking allowed in any Council buildings from 1st July 2007. The smoke free policy was developed in line with national guidelines from the Department of Health.

To support our objective of protecting staff from the effects of smoke, we would also be grateful if you could arrange for your home visit to take place in a smoke free room for the duration of the appointment. We are not asking people to stop smoking in their own homes but hope you will understand the equal importance of providing a safe smoke free environment for our employees.

Thank you for your support.

Yours faithfully,

PS. If you are interested in giving up smoking, we are happy to help you access Barnsley's Stop Smoking Service, available on 01226 737077. The Stop Smoking Service provide information about the range of support services available to people living in Barnsley.

Enc. Smoke free information for clients/service users receiving home visits.

Appendix 3d – Template smoke free telephone script for clients/service users receiving home visits

1) For people visiting Council premises:

A new smoke free policy is in operation within all of Barnsley Metropolitan Borough Council's premises. As a result of the smoke free policy no smoking is allowed in any Council buildings. For service users who will be resident in Council buildings, a risk assessment will be conducted either prior to the visit or as soon as you arrive, which will determine if you can smoke during your stay. If, following the risk assessment you are able to smoke, please follow the guidance from staff who will show you where you can smoke. If you are unsure about the smoking rules, you will be able to ask a member of staff for more information. We hope you will understand and support the importance of providing a safe smoke free environment for our staff to work in. The smoke free policy has been developed in line with national guidelines from the Department of Health and included a three month consultation with our staff and members of the public. Thank you.

2) For patients receiving a home visit:

A new smoke free policy is in operation within Barnsley Metropolitan Borough Council that also applies to our work in the community. We would be grateful if you could arrange for your home visit to take place in a smoke free room for the duration of the appointment, as you will understand, this is for the protection of our employee who is providing your service. We are not asking people to stop smoking in their own homes but hope you will understand the equal importance of providing a safe smoke free environment for our staff. The smoke free policy has been developed in line with national guidelines from the Department of Health and included a three month consultation with our staff and members of the public. Thank you for your support.

Appendix 4 How to deal with smoking in a smoke free place

The Council has a statutory duty to prevent people from smoking in its premises or vehicles. If someone does smoke in any premises or vehicle the following steps should be taken:

