

Smoking Policy

1. Introduction

The Council has a duty under the Health and Safety at Work Act 1974 to protect the health of employees and persons other than their employees, i.e. visitors and members of the public. Providing a healthy and safe working environment and safe systems of work.

This is supplemented by the requirements of the Health Act 2006 and the Smoke-free (Premises and Enforcement) Regulations 2006, which requires that all public places and workplaces in England become smokefree from 1 July 2007.

Council's provide services which protect, promote or help treat people's health. In other words they have a vested interest in 'health'. It is important, therefore, that they are in the vanguard, setting the pace and providing an example and leadership for others to follow, as public places and workplaces become smokefree as a result of the legislation.

The Smoking Policy has been revised to help provide a healthy, safe and comfortable environment, and comply with the legal requirements.

Policy

Smoking is prohibited in all areas of Council premises, both buildings and grounds, including areas of access and egress. Smoking is also prohibited in all Council vehicles. The prohibition of smoking on Council premises, extends to private vehicles parked on those premises, which can not be used as 'smoking shelters'.

Where a private vehicle is being used to convey passengers on Council business, the users should not smoke in the vehicle.

These restrictions apply to all Council employees, agency workers, visitors and contractors.

A number of new devices have been developed which mimic tobacco smoking. These e-cigarettes, look like cigarettes, produce a vapour and are used in the same way as cigarettes. They are a new product and their safety is currently unknown.

This policy applies to all products that supply nicotine (e-cigarettes as well as tobacco cigarettes) for logistical, protective and promotional reasons as follows:

- It would be difficult to implement this policy if e-cigarettes were allowed as it is not easy distinguish those who were using e-cigarettes from tobacco cigarettes.
- As the safety of e-cigarettes is unknown a precautionary approach to protecting the health of employees should be taken.

- This policy helps to denormalise smoking, to protect and promote health of employees and the public. Allowing e-cigarettes to be used on Council premises would undermine this.

This policy reflects St Helens Council's role as an exemplar in health and safety.

2. Exemptions

Adult residential accommodation is exempt from the legislation, and this policy, in that those homes may have designated smoking areas established, providing that certain criteria are met. These rooms are designated for the use of residents, not employees, visitors or contractors.

Although adult day care establishments are not exempt from the regulations, and smoking is prohibited within enclosed public spaces, they are exempted from the Council's wider ban on smoking with in all areas of Council premises. The exemption extends only on the basis that appropriate smoking shelters will be provided within the grounds of the premises, where practical, for use by clients of the day centers only.

Where employees are required to enter designated smoking rooms, their time of exposure to second-hand smoke must be kept to a minimum.

Employees who visit people in their own homes are at risk if the person is a smoker. As private houses are not covered by this policy the Council will take reasonably practical steps to minimise the risks to employees whilst at work. These steps include; asking those to be visited, and those that may be with them, not to smoke during the visit, and not to smoke for 30 minutes before the visit is scheduled¹; and not scheduling the same employee to undertake consecutive visits to houses in which they are likely to be exposed to tobacco smoke.

The Departmental Managers responsible for such premises are required to assess the situation, conduct a risk assessment and ensure that the required criteria are met. Specific guidance must be issued to employees required to work in these locations.

3. Employee Protocol

Smoking breaks are not provided within the terms of the Council's policy or conditions of service.

Employees who choose to smoke within their existing breaks (where these are available), must be aware of any restrictions placed on them regarding leaving Council premises during these breaks.

Employees travelling between appointments are required to comply with the obligations of the Health Act, the Council Policy, and any other restrictions that are in force. Even when in a position to legitimately smoke, e.g. not in a location that is covered by the legislation, Council policy or some other policy or procedure, employees are discouraged from smoking due to the health implications.

¹ Heart of Mersey - Cheshire and Merseyside Charter Standard

4. Non-compliance with the Policy

Employees who refuse to refrain from smoking in premises as indicated in this policy will be in breach of Council rules and initially should be counselled and encouraged to comply with the policy. Further breaches of the policy will become a disciplinary matter and will be dealt with in accordance with the Council's disciplinary procedures.

5. Recruitment

Recruitment packs will include reference to the Council's Smoking Policy. All new employees will be informed of the Policy during induction.

6. External Contractors/Visitors

Contractors working on Council premises will be required to observe the requirements of this Policy as a condition of the award of contract.

Visitors to Council premises will also be required to abide by this Policy.

7. Smoking Cessation

The most significant health benefits of the smokefree legislation will only be realized if smokers use the opportunity to stop smoking.

Help for smokers who wish to give up smoking will be made available in the form of smoking cessation counselling and time off will be given where necessary. Appropriate information and advice is available from the Departmental Human Resources Units and the Occupational Health Unit.

It is recognised that for people who smoke these restrictions may be stressful and in particular, for those giving up smoking altogether, may be traumatic. Non-smokers should be aware of these problems that their colleagues may face.

8. Signage

Appropriate "No Smoking" signs must be clearly displayed at the entrances to, and within all, Council premises and vehicles.

9. Councils' Role in Enforcing the Smokefree Regulations in the Community

The Council's Environmental Health service have been chosen to enforce any contravention's of the Smoke-free Regulations within the community. A stepped approach to enforcement will be used and there will be a strong emphasis on advice. The Principal Environmental Health Officer (Commercial Services) can provide information on the requirements of the smokefree legislation and offer contact details for smoking cessation services.

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