



# EK HUMAN RESOURCES

## HEALTH & SAFETY

*Promoting Health and Safety at Work*

### Dover District Council

## **DRAFT** Smoking Policy

October 2015

### **1 Introduction**

Dover District Council recognises its legal responsibility to ensure the health, safety and welfare of employees, sub-contractors and anyone else directly affected by the organisation's operations. The organisation has therefore developed and enforces a dedicated smoking policy, conforming to the requirements of the smoke-free legislation.

### **2 Application**

This policy is applicable to all employees at whatever level of the organisation's hierarchy, as well as sub-contractors who undertake activities on behalf of the organisation and any visitors or customers. This policy and its mandatory application will be communicated to all employees, sub-contractors, visitors/customers and interested parties.

As part of the organisation's induction process, new starters should be told about this policy and shown where it is can be found on the organisation's intranet. When necessary, employees are responsible for informing visitors or customers that they are serving of this policy.

This Policy refers to the smoking of tobacco products as well as use electronic cigarettes.

### **3 Electronic cigarettes**

E-cigarettes are battery-powered devices, which contain a heating element to vaporise a nicotine solution, hence their use is commonly referred to as 'vaping'. The vapour produced is inhaled by the user and satisfies the nicotine craving while removing the other harmful chemicals, which would otherwise be inhaled from tobacco smoke.

However, there is currently no regulation on the content of the nicotine solutions on sale or research into the potential long term health effects of vaping. Any adverse impact on health (either short or long term) will also affect those that do not vape as well as those that do.

Dover District Council does acknowledge that some employees may wish to make use of electronic cigarettes ("e-cigarettes") while at work, particularly as an aid to giving up smoking.

Although e-cigarettes fall outside the scope of smoke-free legislation, the authority has decided to apply the same prohibition on e-cigarettes as for tobacco products. The rationale for this ban is that:

- Although they do not produce tobacco smoke, e-cigarettes do give off a significant amount of vapour:
  - This could provide an annoyance to those that do not vape;
  - The health of staff who do not vape may be put at risk by inhaling excess or secondary vapour;
  - The vapour is likely to activate smoke detectors within the building.
- Some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors, customers and other employees that it is acceptable to smoke.

As with cigarettes (and other tobacco products) the organisation allows employees to use e-cigarettes only in certain designated areas, separate to the designated smoking areas outlined in Section 4.

#### **4 Prohibition on smoking**

Smoking or 'vaping' is strictly prohibited in all parts of the organisation's premises or anywhere on its grounds. This includes areas at or near entrances in view of the public, which may not be authority land, but where staff can be identified as council employees.

The only exception is where a designated outside area has been identified (this may be a shelter). The organisation provides receptacles for smokers to dispose of cigarette butts and other smoking waste at all designated outside areas where smoking is allowed.

Council officers required to wear a uniform are not permitted to smoke in view of the public at any time whilst wearing their uniform.

This policy does not prescribe the frequency or length of breaks staff take during the working day to smoke or 'vape'. This decision is left to the discretion of each manager.

Where the frequency or length of smoking breaks becomes excessive and creates a problem with service provision or work output the manager may insist that these breaks are reduced.

#### **5 Vehicles**

The organisation does not permit workers to smoke or 'vape' in company vehicles.

There are no limitations on an employee smoking / 'vaping' in a vehicle that they own, unless that vehicle is being shared with another person in connection with a work activity.

It is now against the law for anyone to smoke in a car when carrying a person under the age of 18.

## **6 Homeworkers**

Homeworkers are not required to refrain from smoking during the course of work that is carried out for the organisation in their home, unless they invite others into an area of their home for work purposes.

## **7 Working on Site or at Customers Homes**

It is recognised that staff working with customers in their own homes or making site visits could be at risk of second hand smoke in an environment not controlled by the restrictions of this policy.

Staff must use their discretion when making visits to customers who smoke and may respectfully request that their customers not smoke during the visit or that visits take place in a communal non-smoking area where appropriate. Where appropriate this request should be included in any letter sent in advance of the visit. Should the customer refuse this request, arrangements could be made to meet the customer at one of the Council Offices where viable.

## **8 Signs**

The organisation displays signs that make it clear that smoking is prohibited on its premises. These signs are located at all entrances to its buildings.

All vehicles covered by the ban will display no-smoking signs, with the no-smoking symbol at least 70mm in diameter, in each compartment of the vehicle in which people can sit.

## **9 Assistance for employees to give up smoking**

The organisation recognises the difficulty that employees who wish to give up smoking may face. The organisation's occupational health provider can offer guidance/information to help smokers to give up.

Assistance is also available from the NHS Smoking Helpline, other NHS services, GPs and other national schemes.

## **10 Non-compliance**

Any infringement of these rules by an employee may result in appropriate disciplinary action, which will be dealt with in accordance with the organisation's disciplinary procedure. Employees are also reminded that it is a criminal offence for employees to smoke in smoke-free areas that could result in a fixed penalty or prosecution and a fine.

Customers who are 'vaping' or smoking in smoke-free areas should be reminded of the no-smoking signs and asked to stop. If a customer continues to smoke, employees should explain that the customer is committing a criminal offence and will not be served if they continue to do so. If the customer still refuses to stop smoking, staff should ask the customer to leave the premises and, where relevant, direct them to where they can smoke.

## **11 Maintaining this policy**

The organisation will monitor the effectiveness of this policy and its general compliance within the organisation.

This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines.

This policy is fully supported by the senior management of the organisation. In support of this intent, the policy will be reviewed biannually. The organisation will provide sufficient financial support and all other necessary resources for the full implementation of this policy.