

Document Name:	Workplace Smoking Policy
Effective Date:	26 July 2012
Date for Review:	Following changes in legislation, and/or other NSDC policies, procedures or agreements
Version Number:	3
Approved by:	JCC
Responsible Business Manager:	Tracey Piper

## **WORKPLACE SMOKING POLICY**

### **1.0 Policy**

#### 1.1 Policy Aim

The aim of this policy is to ensure compliance with the Health Act 2006 for the prohibition of smoking within workplace premises and work vehicles.

#### 1.2 Policy Objective

To provide a clear policy to ensure compliance with the smoking prohibition within the workplace and work vehicles as defined within the Health Act 2006 and consolidate previous Newark and Sherwood District Council (NSDC) policy. It will also provide managers with a framework to ensure that the management of smoking is undertaken in a fair and consistent manner within the workplace.

#### 1.3 Policy Outcome

That smoking is dealt with in accordance with the Health Act 2006 and that all employees are dealt with fairly and consistently.

#### 1.4 Policy Statement

1.4.1 The Council acknowledges the adverse impact on employee health, caused by direct and / or passive smoking. Passive smoking has been medically proven to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and conditions. In addition, as well as the serious effect smoking has on health it also increases fire risk and the discomfort of others using areas in which smoking has taken place.

1.4.2 The Council believes, because of the serious health effects, discomfort and fire risk associated with smoking, that all workplaces should be no smoking areas. This is in accordance with the provisions of the Health Act 2006 for the prohibition of smoking within workplace premises and vehicles.

### **2.0 Smoking Ban**

2.1 The smoking ban applies to ALL Council premises occupied by Newark & Sherwood District Council (NSDC) employees and their partners. Smoking is NOT permitted in ANY work area or work access area within buildings or the immediate surrounds of those buildings. This applies to all offices and work areas, whether occupied by only one person, or shared by two or more people.

2.2 This policy bans the use of all defined smoking materials, as listed within the relevant legislation, and electronic cigarettes (E- cigarettes) or other devices used to replace defined smoking materials which emit vapour, smoke or other contaminants.

- 2.3 This ban applies not only to all enclosed areas but also front access, doorways and areas immediately adjacent to the premises where they are in NSDC control. Where appropriate plans shall be produced for the more complex sites illustrating external no smoking areas.
- 2.4 This ban applies to all employees, Elected Members, temporary and agency workers, visitors, contractors and where applicable other organisations' employees who share NSDC commercial premises or communal areas.
- 2.5 Employees participating in the flexi time scheme should make every effort to only take smoking breaks during their meal breaks, at the start of, or end of the day. However, they are permitted to take reasonable smoking breaks as and when service provision allows during working hours. All time taken away during each smoking break must be fully accounted for within flexi time logs. Employees not on flexi time are not permitted to take smoking breaks during their core working hours. Smoking will only therefore be permitted during rest/meal breaks.
- 2.6 Line Managers have the discretion to waive 2.5 in respect of a smoking break, in extreme cases of stress, e.g. news of bereavement.

### **3.0 Vehicles**

- 3.1 The smoking ban applies to all council owned/fleet vehicles.
- 3.2 The ban on smoking will also apply to employees' own vehicles, when carrying passengers, whilst on Council business.

### **4.0 Working from Home / Agile Working**

- 4.1 Employees who work from home or away from their main base are not permitted to smoke whilst working on Council business.

### **5.0 Enforcement of the Policy**

- 5.1 Directors are responsible for implementing and monitoring this policy, however, enforcing the smoking ban is delegated to line management.
- 5.2 Business Managers shall appropriately investigate allegations of failure to adhere to this policy.
- 5.3 Existing disciplinary procedures will apply to all employees who breach this policy.
- 5.4 Partners will be expected to work in accordance with this policy. Any contraventions should be reported to the Business Manager responsible for the partner liaison who will ensure suitable controls are put in place to prevent a re-occurrence.
- 5.5 Customers who are 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 he/she continues to do so. If the customer still refuses to stop smoking, they should ask the customer to leave the premises and, where relevant, be directed to where they can smoke.

### **6.0 Designated Smoking Areas**

- 6.1 There are no internal designated smoking areas.

- 6.2 All employees will be informed of designated external smoking areas.
- 6.3 Business Managers responsible for managing partners, contractors and agency workers will ensure that they are made aware of site specific arrangements.

#### **7.0 Facilities for Disposal of Smoking Refuse etc.**

- 7.1 Where smoking is permitted in external designated areas, receptacles will be provided for the disposal of cigarette ends and other waste smoking materials. Facilities Management will ensure that these bins are emptied regularly and that they are suitably maintained.

#### **8.0 Recruitment Procedures**

- 8.1 Human Resources will ensure that on appointment, all new employees have access to a copy of this policy.
- 8.2 Partners will ensure that all new employees are made aware of site specific smoking arrangements.
- 8.3 Business Managers will ensure that Agency workers are aware of site specific smoking arrangements.

#### **9.0 Visitors and Contractors**

- 9.1 Visitors and contractors' staff are expected to abide by the terms of this policy. The following arrangements have been made for informing them of its existence:
- i) Employees/Partners receiving visitors to council premises will ensure that those visitors are aware of the smoking policy and if appropriate signposted to permitted smoking areas.
  - ii) Employees appointing contractors will ensure those contractors are informed of the smoking policy prior to commencement of work and if appropriate signposted to permitted smoking areas.

#### **10.0 Signage**

- 10.1 Officers responsible for premises will ensure that "No Smoking" signs are posted in all public areas.

#### **11.0 Monitoring and Review**

- 11.1 This policy will be reviewed following changes in:
- a) Relevant legislation,
  - b) Other NSDC policies, procedures or agreements.

#### **12.0 Revisions**

Revised July 2017 – to incorporate Partner arrangements, move to new Council premises and arrangements regarding home / remote working.