

Isle of Wight Council
SMOKE FREE POLICY
August 2019

1. Document Information

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2. Contents

| | |
|--|-----|
| 1 Document Information..... | 2 |
| 2 Contents..... | 3 |
| 3 Introduction | 4 |
| 4 Policy Statement | 5/6 |
| 5 Responsibilities..... | 7/8 |
| 6 Publicity..... | 9 |
| 7 Help for those who smoke..... | 10 |
| 8 Policy implementation | 11 |
| 9 Other Sources of Information / Guidance..... | 12 |

3. INTRODUCTION

This policy explains how the Isle of Wight Council will meet its responsibilities as an employer under the smokefree provisions in Part 1 of the Health Act 2006 and other health and safety legislation to protect everyone against the effects of second hand smoke. It seeks to guarantee all employees the right to work in air free of tobacco smoke whilst respecting the rights of individuals who choose to smoke. The policy sets out how the council will meet the legal requirement for all council owned/ leased premises and work vehicles to be designated as smoke free. It also sets out the arrangements for employees who do smoke. In an effort to help individuals who wish to stop smoking, the policy also makes provision for access to support.

- 3.1 Exposure to second hand smoke (passive smoking) increases the risk of smoking related illnesses as well as many other illnesses and minor conditions.
- 3.2 The Isle of Wight Council, as an employer has a statutory and common law duty to provide a safe and healthy working environment for all its employees. We are committed to protecting your health, safety and welfare and that of all those who work for us by providing a safe place of work and protecting all workers, service users, customers and visitors from exposure to smoke
- 3.3 Employees also have a duty to take reasonable care for the health and safety of themselves and others and to co-operate with the employer as far as is necessary to enable the employer to comply with the requirements of the Health and Safety at Work etc Act 1974.
- 3.4 Since 1 July 2007, virtually all enclosed public places and workplaces in England, including schools and work vehicles were required to become smoke free. This means that:
 - It is a criminal offence to smoke in smoke free premises
 - It is a criminal offence for managers of smoke free premises to permit others to smoke within the premises and,
 - No-smoking signs must be displayed in smoke free premises (including work vehicles)
- 3.5 Smoke free legislation is set out in Part 1 of the Health Act 2006.

4. POLICY STATEMENT

To comply with legislative requirements, from 1 July 2007:

- 4.1 All of our workplaces (including our vehicles) are smoke-free in accordance with the Health Act 2006 and associated regulations. All staff and visitors have the right to a smoke-free environment. The ban applies to anything that can be smoked and includes, but is not limited to, cigarettes, [electronic cigarettes,] pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes

Council owned/leased premises shall be designated as smoke free, with appropriate signage to inform employees, elected members and visitors of the smoke free status of the building. This means that smoking is not permitted in any 'enclosed' or substantially enclosed council owned/leased premises. (For Residential Homes and Respite Centres please see section 4.6)

This includes (but not exclusively) the following areas:

- Lifts
- Corridors
- Stairways
- Rest Rooms/Staff Lounges
- Designated refreshment/breakout areas
- Meeting Rooms
- Toilets
- Reception Areas
- Entrances/Exits from council premises
- Any shelters, sheds or other similar structures that have previously been designated as smoking areas

In addition, the following 'open air' council owned/leased premises shall be designated as smoke free:

- Adjoining car parks to council owned/leased buildings that are not designated as a public car park (unless this has been agreed with the Head of Service).

- 4.2 Council employees who are based in premises owned or managed by another organisation are entitled to the same protection as those working on council premises.
- 4.3 Visitors and temporary staff are required to abide by the terms of this policy. The person responsible for greeting visitors or temporary staff will be required to ensure they are aware of the policy requirements.
- 4.4 Smoking is not permitted in any vehicle owned or leased by the council. Anyone using our vehicles, whether as a driver or passenger, must ensure the vehicles remain smoke-free.

4.5 To create a positive climate in which a smoke free environment is promoted and an example set as an employer, the following will also apply:

- Staff should not smoke in their own vehicles whilst carrying passengers in the course of their duties and on official council business.
- Whilst public highways are not covered by the legislation, staff are representatives of the council and are expected not to use the immediate vicinity of public entrances as smoking areas.

4.6 Residential Homes and Respite Centres

Residential homes and respite centres are exempt under the smoke free legislation. The home or centre must still be smoke free, but a designated area or room can be provided for residents to smoke in.

The home or centre is not legally obliged to provide one, but if they do they must comply and follow the criteria laid out in the smoke-free (exemptions and vehicles regulations 2007)

<http://www.legislation.gov.uk/ukdsi/2007/9780110757353>

Homes must also refer to their individual site operation standards.

4.7 Use of Electronic Cigarettes in Council Premises, Vehicles and visiting private homes.

The Isle of Wight Council prohibits the use of e-cigarettes in the workplace, in council or private vehicles during work time and during home visits. The council's rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapor that could provide an annoyance or potential health risk to other employees as the long term health effects of e-cigarettes are unknown;
- 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.

The use of e-cigarette chargers and other accessories are also prohibited within any Council owned/ leased premises or vehicles. Such devices are in large part unregulated and instances of electrical fires have been reported within the UK. Therefore this prohibition also extends to plugging in any type of charger or accessory into any Council electrical installation, IT equipment or vehicles.

5. RESPONSIBILITIES

5.1 It has been against the law not to display no-smoking signs since 1 July 2007. Building managers are responsible for ensuring that appropriate signage is in place at all times.

5.2 The regulations require all smokefree premises to display a no-smoking sign in a prominent position at each entrance that:

- Is the equivalent of an A5 in area;
- Displays the international no-smoking symbol in colour, a minimum of 70mm in diameter and,
- Carries the words in characters that can be easily read:

“No Smoking. It is against the law to smoke in these premises”

The regulations also set out that a no-smoking sign that simply displays the international no-smoking symbol in colour, a minimum of 70mm in diameter is the minimum requirement at entrances to smokefree premises which:

- Are for staff only (on the basis that the premises display at least one A5 sized sign with words, as set out above) or
- Are located within other smokefree premises

5.3 Managers who have responsibility for council fleet vehicles or any other council owned vehicles have a duty to ensure that a no-smoking sign is displayed in each enclosed compartment that can accommodate people. These no-smoking signs must simply display the international no-smoking symbol in colour, a minimum of 70mm in diameter.

5.4 Managers are responsible for ensuring that staff comply with the requirements of this policy.

5.5 Facilities managers will be responsible for identifying a designated smoking area, if required, and for ensuring that staff have been made aware of its location. This area must be outside any Council premises. In selecting a designated smoking area, the following practical issues shall be considered:

- The location of the area in relation to the public entrances/exits of the council building, windows or other building ventilation inlets so as to avoid the risk of smoke entering the workplace or adjacent premises. Public impression is important and the location should be chosen so as to avoid where practically possible, direct line of sight with the public entrance/exit.
- Any health and safety issues such as risk of slips, trips and falls, lighting, risk of violence, collision with vehicles etc;

- Provision for the collection and disposal of smoking related litter;
- 5.6 It is recognised that staff who visit and/or provide services to people in their own homes may be at risk if the person being treated is a smoker. Private houses are not covered by the Act. It is important that a practical approach is taken to the management of such circumstances to provide a balance between respecting the rights and needs of service users and the safety and welfare of employees. Risk assessments are to be undertaken by service managers to identify the level of risk and the actions required to minimise them. Identification of members of staff who have a pre-existing condition that is made worse by exposure to tobacco smoke, such as asthma, COPD (chronic obstructive pulmonary disease) and cardiovascular disease, or those who face additional risks eg, due to pregnancy, young workers and volunteers will be necessary. Members of staff who have such conditions are at higher risk and care should be taken to prevent or minimise their exposure to tobacco smoke.
- 5.7 In determining the level of risk, and the appropriate steps that can be taken, the following are considerations that may be taken into account:
- To identify homes to be visited by a member of staff where it is likely that they are occupied by smokers. Managers need to record this information and pass to the H&S team in case of any future personal injury claims.
 - Review visiting schedules to make sure that there are no consecutive visits to homes where service users are known to smoke
 - Where feasible change staffing rotas
 - Where appropriate and only in circumstances where no other alternative exists, write to the service user, asking them not to smoke during the visit and ideally, not to smoke for at least an hour before the visit is scheduled to take place or alternatively and if possible to receive the visit in another room, other than the ones normally used by the occupier for smoking.
- 5.8 Employees have a responsibility to identify to their line manager or supervisor that they are experiencing adverse affects of passive or second hand smoke encountered as part of their work. Reasonable steps must be taken to reduce the risk and referral to Occupational Health may need to be considered.
- 5.9 There is no officially agreed time for taking smoking breaks. Employees who take smoking breaks are responsible for this and will need to agree with their line manager, how this time will be made up within the working day.

6. PUBLICITY

- 6.1 All recruitment materials, job advertisements and other related information will draw attention to the existence of this policy.
- 6.2 Upon appointment, this policy will be brought to the attention of new employees during council induction procedures.
- 6.3 Information on the hazards of smoking, methods of giving up and the problems smoking presents to non-smokers can be accessed via the council's employee assistance programme support information pages posted on the intranet. Such information can be found at;

<http://www.isleofwightc.helpeap.com>

<http://wightnet.iow.gov.uk/hr/HealthSafeWell/EmpAssist.aspx>

7. HELP FOR THOSE WHO SMOKE

- 7.1 This policy recognises the right of the individual to smoke. However, to help individuals who wish to give up smoking, a number of support mechanisms are available across the Island.
- Access to drop in centres across the Island where advice, information can be obtained. Contact the local NHS stop smoking service on 01983 554545 or <http://www.nhsstopsmokingiow.co.uk> for further information.
 - Health promotion events
 - The local **NHS Stop smoking service** (01983 554545) where individuals can speak to a specialist adviser or e mail www.nhs.uk/smokefree
 - Your **GP**
- 7.2 Staff wishing to attend smoking cessation support groups/activities should do so in their own time. However, those staff wishing to attend recognised smoking cessation support group activities which fall during working time will need to speak to their line manager and depending on the time/length of the session and the needs of the service, managers may be able to agree a flexible working programme for employees to attend.

8. POLICY

- 8.1 The responsibility for ensuring that all staff are aware of the requirements of this policy and that it is enforced rests with individual line managers. Failure to comply with the requirements of this policy is a disciplinary matter.

Breaches of this policy by any employee will be dealt with under our Disciplinary Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

- 8.2 The responsibility for ensuring that all elected members are aware of the requirements of this policy and that it is enforced rests with group leaders. Failure to comply with the requirements of this policy by members is matter of conduct and will be reported to the standards committee and may result in a fine for the member.
- 8.3 Any member of staff who has concerns about any potential or actual failure to comply with this policy is encouraged to take appropriate action to remedy the situation as follows:
- Wherever possible, anyone who feels that a breach may occur, is occurring or has occurred, should initially discuss with the person concerned to remind them of the requirements of this policy.
 - If this action does not result in compliance with policy requirements or if the member of staff feels unable to raise the matter directly, the matter should be referred to their immediate line manager, trade union representative or a member of the Human Resources team, who will take the appropriate action to resolve the matter.

9. OTHER SOURCES OF INFORMATION/GUIDANCE

- 9.1 Further information and details about the legislation and other aspects of introducing the regulations can be found at; <https://www.gov.uk/smoking-at-work-the-law>
- 9.2 The Human Resources department can provide advice and guidance and support to staff and managers about the requirements of this policy and can be contacted via email; human.resources@iow.gov.uk