

NO-SMOKING POLICY

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1. INTRODUCTION

The Health Act 2006 required that all enclosed and substantially enclosed public and work places should be smoke free by 1 July 2007. In addition council vehicles had to be made smoke free by the same date. This policy seeks to ensure Tendring District Council meets the requirements of this legislation.

The provisions of this policy also help ensure that the Authority meets its duties under Section 2(2) of the Health and Safety at Work Act 1974 which places a duty on employers to provide and maintain a safe working environment without risks to health and adequate for their welfare.

The Authority recognises that breathing other people's smoke is a public health hazard and a welfare issue which is proven to cause ill health. This policy deals with where people smoke and the effect this has on staff and members of the public. It also seeks to portray a positive public image.

The benefits arising from the provision of a No-Smoking policy include improving health, increased productivity, reduced sickness and absenteeism levels and a reduction in the incidence of early retirement due to smoking related diseases. In addition it will reduce clean up costs and help promote a healthier and cleaner corporate image. The Policy will also assist in reducing the potential of fire, which has in the past, been associated with waste bins. The Policy will also eliminate unofficial smoking breaks thus ensuring equality between staff and saving time and money.

The Policy seeks to;

- Ensure Tendring District Council meets its duties under the provisions of the Health Act 2006 and associated legislation
 - Ensure all parties have a clear understanding of their rights and obligations with regard to smoking during periods of employment with the Council
 - Protect against fire by removing smoking related ignition sources
 - Stop unofficial smoking breaks being taken and time being lost to the council as well as reducing stress on remaining staff when smoking breaks are taken
 - Address the negative corporate image associated with smoking by promoting and developing a cleaner corporate image for the Council
- Ensure that employees are aware that the *use of electronic cigarettes (e-cigarettes) are not permitted in any part of the Council's work premises or grounds.*
- Provide support for those people who would like to give up smoking

2. AIM

The aim of the policy is to;

- Meet the legislative requirements of the Health Act 2006 and associated legislation
- Protect the health of staff
- Protect the health of visitors, contractors and users of our services
- Inform staff and managers of their responsibilities in respect of the policy
- Promote the culture of a smoke free organisation

- Promotion of Smoking Cessation

This policy will apply to all staff, members, visitors, contractors and other persons who enter council premises.

3. RESTRICTIONS ON SMOKING

Smoking is not permitted in any part of the Council work premises or grounds (curtilage), including offices, corridors, toilets and car parks of any council work site by any person regardless of their status or business with the Council. *This includes the use of electronic cigarettes.*

- Appendix B
 - The extent of the curtilage is shown edged on the Attached Plans. Nos 1-12
- Appendix C
 - Public conveniences.
- Appendix D
 - Childrens Play areas.
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(Appendices are available on the Council's intranet)

The application and responsibility of officers for compliance are detailed in the appendices.

Smokers are requested not to smoke immediately outside any work base. This applies to staff, visitors and contractors.

Smoking is not permitted in vehicles belonging to or leased by the Council. Smoking is not permitted in staff private vehicles being used to carry members of staff or members of the public whilst carrying out the duties of an employee.

Staff who smoke will be allowed two fifteen minute smoking breaks; one in the morning and one in the afternoon. Such breaks will have to be added to the working day and the thirty minute period will have to be worked either at the beginning or at the end of the day.

Those staff who elect to take only one break either morning or afternoon, must work an extra fifteen minutes either at the beginning or at the end of the working day.

All such breaks have to be agreed with the officers Section Manager.

All visitors, contractors and deliverers are required to abide by the smoke free policy. Staff members are expected to inform visitors of the policy and point out the signage. However they are not expected to enter into any confrontation which may put their personal safety at risk. If a member of public continues to smoke the matter should be referred to the staff members line manager who should discuss the matter with the member of public. If they refuse to refrain from smoking they should be requested to leave the building.

4. SUPPORT FOR SMOKERS

Information on stopping smoking with support from local cessation services will be provided for smokers. The smoking cessation service will be available within work time for all Council employees who wish to give up smoking. Attendance at smoking cessation sessions during work time will be at the discretion of the employee's Section Manager. The NHS Smoking

Helpline Number is 0800 169 0 169. The helpline can offer advice and support on stopping smoking along with a website at www.givingupsmoking.co.uk

In addition any smoker who wishes to give up smoking will be allowed 1½ hours to visit their general practitioner to seek help in quitting smoking, provided it is agreed by the Section Manager.

All of the Health Champions within Tendring District Council are certified and qualified level 1 Smoking Cessation Practitioners who are able to signpost you for support on stopping smoking.

5. CONTRACTORS

Contractors must be advised and required to follow the No-Smoking Policy when working in Council premises. Reference to this Policy must be made in contracts and enforced during work involving access to Council premises and facilities.

6. IMPLEMENTATION

This Policy came into force on 1 July 2007. Staff are personally responsible for complying with this policy. It is the individual Corporate Director/ Head of Service's responsibility to ensure the No-Smoking Policy is implemented and complied with in all enclosed spaces and area within the curtilage of the buildings that are under their control. To ensure that everyone understands that smoking is not permitted clear signs will be displayed.

7. DISCIPLINARY ACTION

Any member of staff refusing to observe the policy will be liable to Disciplinary Action in accordance with the Council's Disciplinary Procedure.