

Hyndburn Borough Council

Workplace Smoke-free Policy

1. Policy Statement

- 1.1 Hyndburn Borough Council is committed to promoting health and preventing disease for all its employees. There is overwhelming evidence that smoking and the inhalation of second-hand smoke is detrimental to health and that as an employer, we have a responsibility to provide a healthy working environment. References to smoking within this Policy also apply to vaping.

2. Aim

- 2.1 This policy contributes to ensuring and improving the health and safety of its employees by making all Council offices/occupied buildings and vehicles smoke-free, and by minimising the risk to employees who work in other people's homes / accommodation.

3. Legal References

- 3.1 The Workplace Smoke-free Policy complies with the following legal regulations:

- (i) the Smoke-free (Premises and Enforcement) Regulations 2006;
- (ii) the Smoke-free (Exemptions and Vehicles) Regulations 2007.

4. Scope

- 4.1 The Workplace Smoke-free Policy applies to any person entering Hyndburn Borough Council premises for any reason. This includes officers, elected members, visitors and contractors working in council offices/occupied buildings and vehicles, plant and equipment.
- 4.2 This policy applies to anything that can be smoked (or "vaped"), including cigarettes, electronic cigarettes, cigars, herbal cigarettes, pipes (including water pipes such as shisha and hookah pipes) and substances which are classed as illegal, e.g. marijuana.
- 4.3 Drugs are also covered in the Council's Drugs and Alcohol Policy.
- 4.4 The Regulations state that the Workplace Smoke-free Policy must apply to the following:
- Enclosed or substantially enclosed buildings; and
 - Council vehicles, plant and equipment.
- 4.5 In addition, smoking is prohibited at the following sites:
- close to Council building entrances, unless in a designated smoking area;
 - Council service yards (other than at designated areas at Willows Lane Depot and CVMU);
 - Council car parks - inclusive inside vehicles on Council car parks;
 - Staff-owned cars when travelling with another employee.
- #### **6. Employees who smoke**
- 6.1 Whilst the Council is committed to discouraging staff from smoking, the following rules should be adhered to for employees who choose to smoke:
- Smoking is not permitted in any of the places listed above;
 - Employees who smoke must do so in their own time i.e. while clocked out;

- In line with the Flexible Working policy, breaks may be taken at any time during the day as long as this does not affect the normal business of the service area (staff should clarify this with their line manager).

7. Stop Smoking Service Support for Staff

7.1 Public health services offer stop smoking cessation support. Information is available via GPs and Pharmacists, or call your local Stop Smoking Service on **0800 328 6297** (free from landlines and mobile phones) or visit the [NHS Quit Squad website](#).

7.2 Wherever possible, managers should allow staff to take time off to attend smoking cessation appointments, as long as this does not adversely affect the service. Please refer to the Flexible Working policy for further guidance.

8. Employees visiting private dwellings on Council business

8.1 Council employees may be required to work in other people's homes / accommodation from time to time and, as such, may be exposed to the harmful effects of second-hand smoke.

8.2 The following guidelines will help managers and employees manage this situation, and therefore reduce the risk to health:

- It is expected that a smoke-free environment will be provided whilst a Council employee is working in a customer's home/accommodation. Therefore smoking by the customer, or by others in the home / accommodation, must not take place during this time.
- Council employees will inform the customer of this requirement at their first contact or at time of assessment.
- If, for legitimate reasons, a smoke-free environment cannot be provided, a risk assessment must be carried out. The risk assessment must ascertain any potential risk to the member of staff, and if necessary, alternative strategies should also be explored, dependent on the given situation. Each risk assessment needs to be carried out on a 'case by case' basis and consideration needs to be given to reducing the amount of second-hand smoke employees are exposed to. This risk assessment must be documented.
- If no acceptable compromise can be implemented then consideration must be given to withdrawing employees from the situation.
- As an employee, you have the right to leave any private dwelling at any time due to second-hand smoke exposure.

9. No Smoking Signage

9.1 No smoking signs are displayed on all entrances in accordance with the Smoke-free (signs) Regulations 2007

9.2 No smoking signs are displayed on all work vehicles in accordance with the Smoke-free (signs) Regulations 2007

9.3 The Facilities team is responsible for ensuring all legal signage is displayed adequately. For Council vehicles, CVMU is responsible for this.

10. Sale of Tobacco/Illicit Tobacco

- 10.1 The sale of tobacco is forbidden on all Council property, and may be reported to Trading Standards. This will be treated as a disciplinary offence, and more serious cases could amount to gross misconduct leading to dismissal.

11. Breaches of Policy

- 11.1 Any person found to be smoking on Council premises will be asked to leave the building / grounds / premises / vehicle immediately. An incident form should be completed if smoking in any Council building / vehicle is found.

- 11.2 If an employee does not comply with this policy they will be:

- reminded of the policy;
- called to discuss the issue with their line manager; and
- may be subject to formal disciplinary processes.

- 11.3 All managers are responsible for enforcing the Workplace Smoke-free Policy. As an employee, you should report all breaches of this policy to your line manager.

Date of implementation: xx