

Smoke Free Policy

HR Service Original Policy 1 July 2007, amended 4 November 2014

1. Introduction

In recognition of the harmful effects of tobacco smoke and the legal duty to protect the health of employees, the Council developed a smoking policy in 1993. The policy introduced restricted arrangements for smoking at work and support for those who wanted to give up smoking.

The Council is now committed to providing a completely smoke free environment at all times for the protection and well being of people working for and using the services of Bexley Council.

2. Scope

Smoking of any kind is prohibited under this policy, including the smoking of traditional tobacco cigarettes, herbal cigarettes, electronic cigarettes and other vaping products.

This policy applies to all employees of the Council, all contractors (including agency staff and other contract staff), Members, schools, students and volunteers. It applies to Council owned or operated buildings and grounds.

Where Council property is under the control of a third party or is managed under contract the Council will seek to ensure that this, or a broadly equivalent Smoke Free Policy, is adopted for operation on those premises.

For the avoidance of doubt the policy covers all of the land within the boundary of the buildings in question, which includes any grounds and/or open spaces together with the inside of any buildings on that land.

3. Statement of Policy

The Council seeks to protect and promote the health and well being of all employees, customers, students and visitors by providing a smoke-free environment. The policy is concerned with **where and when** people smoke, not about **whether** they smoke.

The key policy principle is that when an employee is at work they are required not to smoke. This is regardless of where or when they are required to work.

Smoking is not permitted:-

1. **by employees or contractors etc. during working hours;**

The policy is not intended to prevent employees from smoking in their own time e.g. during official unpaid breaks such as lunchtime. However, smoking in Council buildings and grounds will not be permitted even during official breaks.

As an exception to this policy, smoking will be permitted in Council parks and gardens during the official lunch break.

2. **in any Bexley Council building and grounds (or other place where the employee/contractor is required to carry out their duties);**

This includes Council car parks, parks and gardens.

3. **for employees or contractors etc. around gateways, entrances or exits to Council buildings;**

A congregation of smokers at gates or around the entrance or exit of Council buildings, even if no longer on Council grounds, is not acceptable.

4. **in any vehicles owned or leased by Bexley Council.**

In accordance with legislation all vehicles, including those on lease or hire to the Council that are used for the purpose of work, shall be smoke-free.

The responsibility for ensuring compliance with the policy is shared by all managers and employees. Any breaches of this policy by employees will be dealt with under the Council's disciplinary procedure.

If you are responsible for the management of Council premises you will have obligations to ensure compliance with smoke free legislation under the Health Act 2006. Please contact the Environmental Health Department for further guidance.

4. Aims and Objectives

The primary aim of the policy is to safeguard and promote the health and well-being of people working for and using the services of Bexley Council by providing a smoke-free environment, and thereby reducing smoking related death, disease and disability among employees and service users.

5. Special Considerations

5.1 Schools, youth Centres and Community Centres

In accordance with legislation all enclosed or substantially enclosed public spaces and workplaces must be smoke free. Whilst this policy extends beyond the law, Governing and Management bodies will be expected to adopt this, or a broadly equivalent Smoke Free Policy in Schools, Youth Centres and Community Centres for the protection of Bexley employees and service users.

5.2 Children and Young People Under the Age of 16 Years

Children and young people under the age of 16 are not permitted to smoke in Council buildings and grounds. Depending on the nature of the site, responsibility for discouraging smoking will lie with wardens, rangers, security officers, porters, caretakers, teachers, etc. having due regard to their own safety and following appropriate safety guidance.

5.3 Committee Rooms, Meeting Places, Halls, Training and Other Facilities Available for Booking on Council Premises

All meetings of Council employees shall be smoke-free regardless of where they are held. Responsibility for reminding participants lies with the convenors and chairmen of meetings.

Smoking shall be prohibited at all meetings of the Council, including Committees, Sub-Committees, Panels, Working Parties and any other meeting which the public are entitled to attend. Employees who administer the booking of Committee rooms, meeting places, halls, training areas, and other facilities available on Council premises, are responsible for reminding people of restrictions before accepting bookings for these locations.

In accordance with legislation, prohibition of smoking on Council premises includes **indoor** premises hired for private events. This is for the protection of guests and employees and contractors who may be working during the event. This is regardless of the hirer's personal wishes and should be made clear at the point of hire.

5.4 Client Homes and Outside Organisations

Smoking by employees in client homes and workplaces managed by outside organisations is not permitted.

The appropriate Head of Service will endeavour to ensure that buildings employees are required to visit as part of their duties will be smoke free for the duration of their visit where this is reasonably practical.

5.5 Flammable Materials and Explosives

Flammable and explosive substances must be clearly labelled with the appropriate warning signs. Smoking by employees whilst knowingly using or working in close proximity to such substances is gross misconduct.

5.6 Contractors and their Employees

All contractors and their employees, whilst on Council business will be required to comply with this Smoke Free Policy. This policy applies when contractors and their employees are delivering goods or undertaking work in Council occupied workplaces, or when working on behalf of the Council in service users' homes or other workplaces. Compliance with this policy must therefore be included in contracts as part of the health and safety requirements.

Questions and Answers

| Question | Answer |
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| Why has the Council introduced this policy? | The policy is required to reflect legislation. The Council has a legal obligation to protect the health and well being of employees and the public and to provide a smoke free environment. The policy is not about whether people smoke but where and when they smoke. |
| Why can't I smoke outside the building? | Smoke drifts back into the building through windows and doorways and users of the building would come into contact with the smoke as they arrive and leave. On health and safety grounds this is unacceptable. A congregation of smokers close to its buildings also presents a poor image of the Council. |
| Can my workplace provide a smoking room? | No. Smoking rooms are prohibited by legislation. |
| Can I still smoke in Council grounds if I'm on my lunch break? | No, you may not smoke in Council buildings or grounds even during lunchtime. You will need to move away from entrances/exits of the building and off Council grounds. The only exception is that you are permitted to smoke in Council parks and gardens during official breaks. |
| Can I smoke in Council grounds if I'm on leave? | If you are on leave the policy applies in the same way as it would to a member of the public in those grounds. |
| Can I still smoke during working time if I deduct the time from my flexi-time? | No. Smoking is not permitted during working time and core flexi-time hours are considered working time. |
| Why can't I smoke in my own car if I am travelling between one workplace and another during the working day? | A key principle of this Policy is that when you are at work you are required not to smoke. For fairness and consistency this applies to all employees regardless of where or when they work – including whether they use their own car or a leased car to undertake those duties or to travel from one work place to another. |
| I know that a colleague is regularly leaving the office for a smoking break. What should I do? | Smoking breaks during the working day are no longer permitted. You may wish to bring this to the attention of your line manager. |

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| <p>Why can't I smoke tobacco free products such as Electronic Cigarettes?</p> | <p>Whilst there is ongoing debate about the value of e-cigarettes and similar products, Public Health England are clear that they should only be used as a replacement for smoking. As the Council has banned smoking since 2007, it would be a backward step to allow products that are a replacement for smoking to be introduced into existing smoke free areas – potentially tempting more people to begin using the products who do not currently rely on them.</p> |
| <p>There is a new product on the market - as this is not specifically listed in this policy as being prohibited, can I use it?</p> | <p>Please check first with your manager or the HR Service. The Deputy Director HR and Corporate Support will determine whether or not any new products should fall within the scope of this policy.</p> |