

TONBRIDGE AND MALLING BOROUGH COUNCIL
SMOKEFREE WORKPLACE AND PUBLIC PLACE POLICY

1. Aims of the Policy

All managers of enclosed workplaces and public places have a responsibility for the maintenance and, where possible, improvement of the health of staff and users of their services and we acknowledge that breathing other people's smoke is both a public health hazard and a welfare issue, proven to cause ill health. This Policy recognises that second-hand smoke adversely affects the health of all employees. It is not concerned with whether anyone smokes but with where they smoke and the effect this has on staff and other members of the public. It is also concerned with the exclusion of preventable carcinogenic substances in the locality of our premises.

We actively encourage employees to refrain from smoking outside the times and circumstances set out in this Policy. However, this falls outside the scope of this Policy.

The Policy seeks to:

Guarantee a healthy working environment and protect the current and future health of employees and members of the public

Guarantee the right of everyone to breathe in air free from tobacco smoke

Comply with Health and Safety Legislation and Employment Law

Raise awareness of the dangers associated with exposure to tobacco smoke

Take account of the needs of those who choose to smoke and to support those who wish to stop

1.1 Introduction

Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to:

'...provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risk to health and adequate as regards facilities and arrangements for their welfare at work.'

The legislation also establishes the new offences of smoking in a smoke-free place or vehicle, failing to display a no-smoking sign and allowing smoking in a smoke-free place or vehicle. Fixed penalties and fines for these offences are included in the regulations.

Further detail on the Health Act 2006 and the regulations associated with this Act is available on www.smokefreeengland.co.uk.

Secondhand smoke – breathing other people's tobacco smoke – has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions.

This Policy has been prepared in the context of the Council being an enforcement authority in respect of the Smoke-free Regulations. It is thus essential that as an employer and occupier of premises the Council is itself fully compliant with the Regulations.

2. General Principles and Scope

The aims of this Policy are to:

Protect the health of staff and Members

Protect the health of visitors, contractors and users and/or clients of our services

Inform staff and managers of their responsibilities in respect of the Policy

Support smokers to help them cope with increased restrictions on their smoking during the working day

Promote the culture of a smoke-free organisation

This Policy will apply to all Members, staff, visitors, contractors and other persons who enter any of the Council's premises.

2.1 Restrictions on Smoking

Smoking is not permitted in any part of the operational premises or at entrances managed, leased or owned by the organisation at any time, by any person regardless of their status or business with the organisation. By operational premises is meant any building or substantially enclosed public or private area occupied by one or more members of the general public or a workspace whether used by one or more members of staff. Such spaces include lifts, corridors, stairways, lavatories, rest rooms, reception areas or entrances. (An enclosed area is one which has a permanent or semi-permanent roof and has walls (including windows and doors) enclosing more than 50% of its perimeter).

'Vaping' or the use of electronic cigarettes is similarly not permitted in any part of the operational premises as defined above. Those using such devices are not required to use the designated smoking areas but may use them outside so long as they do not cause harm or distress, whether actual or perceived, to others.

Vaping or electronic cigarettes should not be left unattended at any time when being electronically charged and charging units should be PAT (Portable Appliance Tested) tested first before use.

2.2 Visitors

All visitors, contractors and deliverers are required to abide by the smoke-free policy. Staff members are expected to inform visitors of the policy. However they are not expected to enter into any confrontation that may put their personal safety at risk.

2.3 Staff

Staff are only permitted to smoke at unenclosed designated external smoking points during break times that have been agreed with line managers. The smoking points for the Gibson Building and Tonbridge Castle are shown on the attached plans. For other buildings the points will be as notified by management.

2.4 Vehicles

(i) Staff may not smoke in their vehicle, whether provided by the Council or not, while carrying colleagues for work purposes;

(ii) staff may never smoke in their vehicle, whether provided by the Council or not, if it is used by more than one person for work purposes, even if those persons use the vehicle at different times or only intermittently;

(iii) but, other than set out in 2.4 (i) above, staff may smoke in their vehicles, whether provided by the Council or not, if the vehicle is used primarily for the member of staff's private purposes and/or they are the sole user of the vehicle.

2.5 Support for Smokers

Information on stopping smoking with support from local cessation services (Quit smoking courses) will be provided for smokers. The NHS Smoking Helpline number is 0800 169 0169. The helpline can offer advice and support on stopping smoking along with a website at www.gosmokefree.co.uk.

3. Introduction and Implementation of the Policy

Staff, whether employed or voluntary, are personally responsible for complying with this Policy. Responsibility for implementing this Policy rests with senior management. Day-to-day responsibility for its operation lies with line managers. These responsibilities are underpinned by the duties and offences established in the new legislation.

To ensure that everyone understands that smoking is only allowed in designated areas away from access to buildings, clear signs will be displayed indicating smoke free areas and external points where smoking is permitted.

Tenders and contracts will stipulate adherence to this Policy as a contractual condition. Existing contracts will be modified as soon as possible.

Job literature will include reference to the smoke-free policy and indicate that adherence to it will form part of the contract of employment.

3.1 Disciplinary Action

Any member of staff refusing to observe the policy by smoking in unauthorised areas will be liable to Disciplinary Action in accordance with the Disciplinary Procedure and may face enforcement action.

All staff have a role to play in enforcing the policy and are required to deal with any observed or reported breaches. If managers or staff feel apprehensive about their own safety in regard to addressing any breach they should seek management support. It is important to note that primary emphasis should be placed on prevention of such situations arising.

In the event of a breach of the policy by a visitor or staff member of other organisations, they should be asked to extinguish all smoking materials and be informed of the availability of external smoking areas. If they continue to smoke the matter should be referred to the appropriate manager. In the event that staff of other organisations continue to breach the Policy, the appropriate organisation should be advised in writing of the consequences of breaching these requirements.

3.2 Monitoring and Reviewing

The following will be monitored:

That prospective employees are advised of the Policy

That the Policy forms part of the induction programme

That discarded smoking material are disposed of safely

This Policy will be reviewed annually to ensure that it continues to meet the aims of the original Policy.

Comments related to the maintenance of this Policy should be directed to the Director of Central Services.