



South Tyneside Council

Human Resources Manual

# Smokefree Workplace Policy

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## 1 Introduction

As an employer, the Council has a duty under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 to provide a working environment for employees that is safe and without risks to health.

Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Smokefree legislation was introduced in England in 2007, banning smoking in nearly all enclosed workplaces and public spaces.

This Policy has been developed to protect all employees, service users, and visitors from exposure to second-hand smoke and to assist compliance with the Health Act 2006. All employees have the right to work in a smokefree environment.

## 2 Scope

This Policy applies to all employees in the Council. This includes school-based employees where the governing bodies of individual schools have adopted the Policy.

This Policy also applies to all Elected Members, Consultants, Contractors, Customers, Agency Workers and Visitors.

## 3 Policy

The Council operates in line with smokefree legislation and does not allow smoking in any enclosed workplace or building. Appropriate 'no-smoking' signs are clearly displayed within Council premises.

Smoking is prohibited in all Council vehicles and all vehicles will display a 'no-smoking' sign. The Council requests that owners of private vehicles prohibit smoking in their vehicles at least three hours before and whilst carrying passengers for work purposes.



Designated smoking areas or shelters are not permitted. Employees are not permitted to smoke at building entrances and exits and must smoke off-site, away from Council buildings and other individuals, and not in view of the public whilst at work. Employees must not smoke during meetings that are held via telephone or video conference, even when joining the meeting from home.

Private accommodation is not covered by smoke free law and employees visiting customers/service users in their own homes may be at risk of second-hand smoke. To minimise the impact/harm caused by second-hand smoke, managers must consider whether they have appropriate protections in place. Prior to any home visit, customers/service users should be requested to provide a smoke free space, and to not smoke during the appointment or for at least one hour before. Employees must not smoke for at least one hour before a home visit.

Employees who smoke are not entitled to paid smoking breaks. Smoking is only permitted during standard designated (i.e. unpaid) breaks, and individuals must be 'keyed-out' of the Flexible Hours Working System.

#### **4 Non-compliance**

If an employee does not comply with this policy, the Disciplinary Procedures may be followed.

Those who do not comply with the smokefree law may also be liable to a fixed penalty fine and possible criminal prosecution. Workers can be fined up to £200 for smoking in the workplace.

Employers can be fined up to £2,500 if they do not prevent smoking in the workplace.

#### **5 Electronic Cigarettes/Vaping**

E-cigarettes and vapes are not regulated like tobacco products and there is currently no bespoke regulatory system for them in the UK. Many people are choosing to vape, and/or use electronic cigarettes to help them quit smoking.

E-cigarettes do not burn tobacco and do not create smoke. While debate continues about their absolute level of safety, the consensus across England's public health community is that the use of e-cigarettes and vapes only carry a small fraction of the risk of cigarettes. It also confirmed the findings of PHE's 2014 independent evidence review, that there is no evidence of harm to bystanders from exposure to e-cigarette vapour, and that the risks to their health are likely to be extremely low.



Currently, the Council prohibits the use of e-cigarettes and vapes in the workplace therefore this Policy still applies. As further evidence is published, a separate Policy may be introduced.

## **6 Help to Stop Smoking**

The Council will promote awareness of the damaging effects of smoking on health and will encourage and support employees to stop smoking.

Specialist advice and support is available via the Occupational Health Team for any employee who wishes to give up smoking.

The NHS offers a range of free services to help smokers give up. Visit [www.nhs.uk/smokefree](http://www.nhs.uk/smokefree) or call the NHS Smoking Helpline on 0300 123 1044 for details.

Managers are encouraged to support employees wishing to access the service by allowing them reasonable time to do so.

Training is also available for Council employees to support colleagues and service users to stop by 'making every contact count' and deliver 'very brief advice (VBA) where possible. Details of the free stop smoking training available to staff is available at: [www.firstcontactclinical.co.uk/Courses/Change4Life](http://www.firstcontactclinical.co.uk/Courses/Change4Life).

## **7 Equality and Diversity Statement**

South Tyneside is committed to promoting equality and valuing diversity. An equality check for this policy was carried out in 2021. No equality implications were identified in this policy.

Policy approved by Governors:	April 2023
Date of next review by Governors:	March 2024