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HS 18

Smoking in the Workplace Policy

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This document is available in Welsh



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1. INTRODUCTION

1.1 In preparing this Policy Statement, the Council has taken into consideration:

- its responsibility to its employees and others under the Health and Safety at Work etc. Act 1974
- its commitment to the Welsh Government Corporate Health Standard initiative, which has at its core the health and wellbeing of employees
- the 'Smoke-free' legislation introduced by the Welsh Government.

2. POLICY STATEMENT

2.1 The Council acknowledges the fact that smoking is the greatest single preventable cause of disease and premature death in Wales. It also acknowledges the fact that exposure to second-hand smoke (i.e., passive smoking) increases the risk to non-smokers of suffering illnesses normally associated with smoking, such as lung cancer and heart disease.

As such the Council is fully committed to providing a healthy, smoke-free working environment for its employees and visitors to its premises.

2.2 The responsibility for implementing the requirements of this policy and for the preparation of an implementation strategy rests with each Director or Head of Service.

POLICY GUIDANCE

3. RESTRICTIONS ON SMOKING

3.1 Whilst the smoke-free legislation implemented by the Welsh Government only covers smoking tobacco, the restrictions in this policy on smoking apply equally to both tobacco products and the use of e-cigarettes (except where the use of e-cigarettes may not be restricted in some circumstances as set out in 3.3).

3.2 Smoking by anyone, including employees, officers and elected members of the Council, and non-employees, including contractors working on behalf of the Council, delivery personnel etc., and members of the public visiting Council premises, is not permitted:

- inside Council owned premises and all other premises under the Council's control, including premises that are rented or hired
- when driving or as a passenger in Council vehicles, including hired vehicles
- in vehicles owned privately by employees when carrying other employees and/or clients when on Council business
- in service users' homes by employees, contractors or others working on behalf of the Council
- for employees, officers and elected members of the Council when on duty, and contractors when working on behalf of the Council, when visiting other business premises.

3.3 As of 01 March 2021, smoking **tobacco** is not permitted by **anyone**:

- in hospital grounds
- in school grounds
- in public playgrounds
- in outdoor day care and child-minding settings.

Where these premises/settings are owned or controlled by the Council, the restriction also applies to the use of e-cigarettes.

Where these premises/settings are not owned or controlled by the Council, the restriction still applies to the use of e-cigarettes for employees, officers and elected members of the Council when on duty, and contractors when working on behalf of the Council.

Where these premises/settings are not owned or controlled by the Council, then the Council cannot impose restrictions on the use of e-cigarettes by employees, officers and elected members of the Council when **not** on duty, and contractors when **not** working on behalf of the Council, nor on non-employees (although such restrictions may be imposed by those who do own or control the premises).

- 3.4 In addition to the foregoing, Council employees, whatever position they may hold, or elected members, are not permitted to smoke whilst they are working for, on duty for or representing the Council, whatever they may be doing or wherever they may be at the time.

This includes, for instance:

- if you work outside, such as on a street, for example if you are a litter picker, refuse collector, highway maintenance worker, etc.,
- if you are travelling, for example an employee travelling to a meeting, a care worker travelling from their base to a client's home or from one client's home to another (i.e., whilst you are at work), whatever the mode of transport, even if you are travelling in your own car or on foot;
- if you are an elected member representing the Council in an official capacity, whatever the event and wherever it is being held.

Employees who wish to smoke may only do so in their own time.

If at the time you are being paid by, on duty for or representing the Council, then you are not permitted to smoke – there are no exceptions.

- 3.5 Smoking in the workplace is only permitted in designated external smoking areas and where it is practicable for such areas to be designated. Where practicable, separate external smoking areas should be designated for those who smoke tobacco products and those who smoke e-cigarettes.

However, it may not be practicable for designated external smoking areas to be provided in some workplaces, for example due to space restrictions, and it will be the responsibility of the relevant manager (e.g., office manager, site manager, depot manager etc., as appropriate) to decide whether or not to provide any and, if so, their location.

Designated external smoking areas are to be located far enough away from any openings into a workplace, such as doors and windows, to prevent smoke entering the building and affecting other people. Consideration should also be given to ensuring that:

- the area is not at or near to an access/egress route where other persons may be affected by second-hand smoke
 - the access to the area does not pose a risk to employees, such as having to cross a busy road
 - the area itself does not pose a risk, such as being located in an isolated public place that could become threatening, for example to a lone smoker after dark
 - suitable 'stubbing out' bins are provided to reduce litter and the risk of fire.
- 3.6 Due to reports in the media, and warnings from Fire and Rescue Services, of e-cigarettes exploding and starting fires whilst being charged, employees or others are not permitted to charge e-cigarettes in the workplace and/or in vehicles owned, hired or rented by the Council.
- 3.7 Any employee/elected member found contravening the requirements of this policy is to be dealt with in accordance with the Council's Disciplinary Procedure/Code of Conduct, as appropriate.
- 3.8 The only exception to the restrictions on smoking in Council owned or controlled premises is in residential care homes where the care home has designated a room where residents (but not employees or visitors) are permitted to smoke.

Under the Smoke-free Premises and Vehicles (Wales) Regulations, care homes are allowed to have designated rooms that are used for residents who smoke – although there is no legal obligation for them to do so.

Inasmuch as once a person is admitted as a resident to a care home that care home becomes the resident's home, then it is the policy of the Council to allow residents to smoke in a room designated for that purpose where it is practicable for such a room to be provided.

In some instances, it may not be practicable for such a designated smoking room to be provided, since any such room should not then be used by non-smokers. For example, the care home may not have a 'spare' room to be set aside for smokers only, and if a common room is designated a smoking room, then there must also be a non-smoking common room for the use of residents who don't smoke.

Before allowing any resident to smoke, the Registered Manager must ensure that an assessment is carried out of that resident's mental and physical capabilities to do so without creating undue risk – for example, would a resident with dementia retain the awareness to only stub out a cigarette in an ashtray and not, say, a litter bin, or would a resident who has suffered a stroke retain the mobility in their hands to grip a cigarette tightly enough so that it wouldn't be dropped?

In addition, where designated smoking rooms are provided, control measures should be implemented to reduce the risk of a fire starting as a result of residents smoking and to give early warning and provide a means of putting it out in the event that a fire does occur, and also to reduce the risk of employees being exposed to second-hand smoke. Such control measures could include:

- ensuring an adequate number of suitable ashtrays are provided
- removing litter bins, excess combustible material
- ensuring furniture and fittings are non-combustible/flame retardant, as appropriate
- ensuring that there is a heat detector (as opposed to a smoke detector) installed in the room that forms part of an automatic fire and detection alarm system
- providing a water fire extinguisher and a fire blanket
- allowing supervision of smokers by employees from outside the room, such as vision panels in doors
- providing mechanical extract ventilation to remove the smoke from the room as quickly as possible
- instructing employees not to enter the room until an hour has passed since the last cigarette was smoked (unless there is an emergency).

Furthermore, where a smoking room is newly designated, the fire safety consultants who undertook the fire safety risk assessment for the home should be informed of this change.

Finally, a *Residents Smoking Policy* that sets out clear guidance and responsibilities in respect of smoking, including clarification on the use of e-cigarettes, should be developed and implemented for each individual care home.

4. SMOKING BREAKS

- 4.1 As referred to in paragraph 3.3, Council employees are only permitted to smoke in their own time, i.e., when they are on authorised breaks during which they are not being paid by the Council (or before they start work, during their lunch breaks or after they finish work).

Furthermore, employees have a responsibility to be available for work and not be away from work on unauthorised breaks and, as such, any 'smoking break' must be first authorised by a manager prior to an employee taking it.

In addition, such smoking breaks must be recorded on employees' time sheets.

For example:

- if you work in an office and are on flexi-time, any smoking break must be recorded on your flexi-sheet, with you signing out and back in when taking it;
- if you sign in at a base to start work but then leave the base to carry out your duties for the day/part of the day and then return to the base to sign out, you must record any smoking breaks you have taken whilst out working when you return to your base.

In any instance, however, the break must have first been authorised by a manager.

- 4.2 Prior to smoking, you must first observe the restrictions set out in Section 3 above.

5. EMPLOYEES VISITING CLIENTS IN THEIR HOMES

- 5.1 Council employees visiting clients in their homes may be exposed to second-hand smoke if the client, or any visiting family or friends, smoke.

At assessment stage (Homecare, etc.) employees should inform clients about the Council's policy on smoking and its aim to protect employees from the effects of smoke, including second-hand smoke. To try to eliminate the risk to employees from second-hand smoke, clients should be politely asked to ensure that neither themselves nor any visitors smoke for an hour before, and at all times during, a visit by a Council employee.

If, despite this request, employees enter a room in a client's home that is filled with smoke, they should assess whether or not they feel it is a safe environment for them to provide a service. If they feel it is not, they have the discretion to make alternative arrangements for the provision of services, though ensuring that at all times the safety and welfare of the client is not compromised.

Employees will have the full support of the Council to make decisions about the provision of services in these circumstances. Each case should be judged on individual circumstances and employees should discuss the situation with their manager.

Employees are not permitted to smoke whilst on duty, including when with a client.

6. SIGNAGE

6.1 'No Smoking' signs complying with the Welsh Government 'Smoke-free' legislation are to be displayed in all Council owned, hired or rented premises/vehicles.

7. SHELTERS

7.1 It is not the policy of the Council to provide 'smoking shelters' in workplaces.

8. SUPPORT

8.1 Employees and elected members wishing to stop smoking will be given every encouragement to do so. The Council recognises that some smokers may find difficulty in adjusting to the requirements of this policy and will provide advice and support to those smokers who wish to stop their smoking habit.

8.2 Where there is a demand, smoking cessation classes will be arranged for employees and elected members that wish to attend.

8.3 External help and advice on the risks associated with smoking can be obtained from the following helplines:

- Helpmequit. Wales (telephone 0800 085 2219 / 0808 250 6061);
- Action on Smoking and Health (ASH) Wales (telephone 029 2049 0621).

9. ADVICE

- 9.1 Advice on the implementation of this policy can be obtained from the Health and Safety Team, Human Resources, Tŷ Elai, Williamstown, telephone 01443 425531.

Mae croeso i chi gyfathrebu â ni yn y Gymraeg /
You are welcome to communicate with us in Welsh

MANAGERS CHECKLIST

	✓ As Appropriate		
	N/A	Yes	No
• Are there suitable 'No Smoking' signs on display at entrances and other prominent positions in the workplace?			
• Has a designated external smoking area(s) been provided, where practicable?			
• Are employees made aware of the restrictions on smoking in the workplace, and that they apply to e-cigarettes as well as to tobacco products?			
• Are employees made aware that they are not permitted to charge e-cigarettes in the workplace and/or in vehicles owned, hired or rented by the Council?			
• Are employees made aware that they need their manager's permission before taking a smoking break, and that all such breaks must be recorded?			
• Are employees made aware that disciplinary action may be taken in the event of being caught smoking in contravention of this policy?			
• If you are the Registered Manager of a residential care home, have you implemented control measures where designating a smoking room, assessed residents before allowing them to smoke and developed your own <i>Residents Smoking Policy</i> ?			
• If you are the manager of employees who visit clients in their homes, have you informed the clients of the measures you wish implemented to protect employees from second-hand smoke, and where these measures are not implemented, have you agreed alternative arrangements?			
• Are employees made aware that smoking cessation classes may be available and how to register an interest?			
• Are employees made aware of the external helplines?			
• Are monitoring procedures in place to ensure that the requirements of the policy are being met?			

Completed by: _____
(Signature)

Confirmed by: _____
(Signature)

Name: _____
(Print)

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Designation: _____

Designation: _____

Date: _____

Date: _____