

A Smoke Free Policy for Cheshire East Council

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Smoke Free Policy for Cheshire East Council

Cheshire East Council is committed to complying with national smoke free legislation. The purpose of this document is to clearly state the Council's policy regarding smoking in the workplace and how the smoke free policy is to be implemented.

This policy also applies to the use of electronic cigarettes and similar electronic nicotine delivery systems.

The use of electronic cigarettes is prohibited wherever smoking is prohibited inside premises or vehicles. E-cigarettes may be used outside of work premises and vehicles provided that their emissions will not come in to contact with non-smokers. This is further clarified in item 3.3.

This policy will include electronic cigarettes until such time that they are regulated by legislation and proved not to be a hazard to health.

1.0 Introduction

1.1 From 1st July 2007, virtually all enclosed public places and workplaces in England became smoke-free by the requirements of the Health Act 2006.

1.2 The Council also has a legal requirement placed on it as an employer to provide and maintain a safe working environment for employees that is "safe, without risk to health" under section 2 of the Health and Safety at Work etc. Act 1974.

1.3 The Council recognises that there is overwhelming medical evidence base that proves that the inhalation of tobacco smoke and breathing in second hand tobacco smoke can cause serious damage to public health and can result in death. Second hand smoke is the smoke people breathe in from other people's tobacco smoke and it can cause lung cancer, heart disease and many other illnesses in non-smokers.

1.4 The Council considers that all employees, elected members, visitors, clients and contractors have a right to be in a totally smoke free environment when in or on any of its grounds or premises.

2.0 The Policy

2.1 This policy applies to all employees of the Council, Elected Members, service users, visitors and contractors working in Council buildings, and to the public hire of buildings and rooms belonging to the Council.

2.2 This policy has been developed in full consultation with all the employees who are concerned with health and safety in this Council. It has the support of the relevant representatives.

3.0 General Principles for Staff

3.1 This smoke free policy seeks to guarantee people who do not smoke the right to work in air which is free of tobacco smoke, whilst taking account of the needs of those who smoke.

3.2 Smoking will not be allowed in any Council premises, including work areas, buildings, vehicles or depots owned by the Council.

3.3 Staff, elected members, service users, visitors, contractors and the public may only smoke in designated smoking areas which are provided where appropriate. People using electronic cigarettes outside do not have to use the designated smoking areas used by smokers. This recognises that people using electronic cigarettes may not wish to breath in tobacco smoke.

3.4 Staff should only smoke outside of working hours.

3.5 Cigarette butts/waste should not be dropped on Council owned land. Staff and visitors are reminded that a fixed penalty notice can be administered for the offence of littering.

3.6 Staff located in any Council owned buildings must abide by the local management arrangements in place for the particular building to avoid smoking in or near to entrances and exits. These need to be kept clear for emergencies and access.

3.7 For staff working in the community much of their work will take place within the clients' own homes resulting in the possibility of working in an environment that will expose them to second hand smoke. Staff will be given the option to refuse to enter a home where they will be exposed to second hand smoke. Clients/customers are asked to provide a room which has been smoke free for at least 30 minutes prior to a planned visit, and also to remain smoke free for the duration of the visit.

4.0 Vehicle policy

4.1 The regulations under the Health Act 2006 state that smoking will not be permitted in enclosed public places and company vehicles. Where a vehicle is used as a workplace by more than one person, regardless of whether they are in the vehicle at the same time, the vehicle will be required to be smoke free at all times.

4.2 Smoking will not be permitted in any vehicle owned by Cheshire East Council.

4.3 If staff use their own vehicle for work purposes, then smoking will not be permitted if a member of staff who does not smoke accompanies them for work purposes.

5.0 Informing staff of the policy

5.1 Cheshire East Council will inform all staff, elected members and members of the public of the requirements of this smoke free policy.

5.2 If Staff would like to have support in giving up smoking they will be directed towards the smoking cessation co-ordinators at the local NHS service. Some courses will be run at Council owned premises in staff time.

5.3 All job advertisements, job descriptions and interviews will include reference to this policy. All new members of staff will be given a copy of this policy on their appointment or during their induction.

6.0 General Principles for Visitors and Temporary Staff

6.1 Visitors, temporary staff and members of the public will be expected to abide by the terms of this smoke free policy.

7.0 Signage and Environment

7.1 To comply with the requirements of The Health Act 2006 Cheshire East Council will ensure that regulatory signage is displayed at every public entrance to Council buildings.

7.2 All Council vehicles will display the appropriate and sufficient signage in accordance with the national legislation.

7.3 The Council will keep the grounds free from cigarette ends and provide sufficient bins for cigarette waste.

7.4 The sale of tobacco products or electronic cigarettes is not permitted on Council premises.

8.0 Help for those who smoke

8.1 This policy recognises that second hand smoke adversely affects the health of all employees. It is not concerned with whether people smoke but it is concerned with where they smoke and the effect it will have on employees who do not smoke.

8.2 It is recognised that this policy will have an impact on smokers during their work time, therefore in an effort to help employees adjust to this change the following help is being provided:

- Allowed up to 6 hours off to attend any course that will help them to give up smoking
- Smoking cessation support will be available from the local NHS service

9.0 Enforcement of this policy

9.1 Breaches of this policy will be subject to the normal disciplinary procedures.

10.0 Implementation of this policy

10.1 Responsibility for the implementing and monitoring of this policy will be included in the role of the senior managers. If a member of staff is known to be in breach of this policy their manager will need to report them to the personnel manager.

10.2 Failure to comply with this policy could result in action being taken under the Council's normal disciplinary procedure. However, this would be introduced only as a final measure when discussion, counselling or other informal persuasive means have been exhausted.

10.3 If an elected member or a member of the public is seen to breach this policy the person must be advised to stop smoking immediately or asked to leave the premises.

11.0 Monitoring this policy

11.1 The policy will be monitored at twelve monthly intervals.

12.0 Changes to this policy

12.1 Twelve weeks notice will be given of any changes made to this policy. Union and Health & Safety representatives will be consulted about any proposed changes