

SMOKE-FREE WORKPLACE AND PUBLIC PLACE POLICY

1. Aims of the Policy

This policy implements the provisions of the Health Act 2006 with respect to smoking at work.

The policy seeks to:

- Ensure a smoke-free working environment and protect Council employees, councillors, contractors and members of the public who enter EFDC premises, including vehicles by not exposing them to tobacco smoke;
- Support those who wish to stop;
- Address the issues of smoking in Council and private vehicles, and staff visiting private homes.
- Comply with the core provisions of the Health Act. It will be reviewed after 12 months operation, when changes may be made by the Joint Consultative Committee.

(The policy does not cover the Council's public enforcement role in the community).

2. 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 risks to health and adequate as regards facilities and arrangements for their welfare at work.'

On 1 July 2007 the Health Act 2006 came into effect. This legislation makes provision for the prohibition of smoking in certain premises, places and vehicles. Section 2(2) states that *premises must be smoke-free if they are used as a place of work including vehicles.*

3. Scope of the Policy

This policy will apply to all staff, councillors, visitors, contractors and other persons who enter the premises or vehicles of the Council, or private vehicles used on Council business. It will also apply to staff when visiting private homes, regardless of whether the occupant smokes.

3.1 Restrictions on Smoking

Smoking is not permitted in any part of the premises or at entrances (other than designated external areas) managed, leased or owned by the Council at any time, by any person regardless of their status or business with the organisation. By 'premises' is meant any building or substantially enclosed public or private area. 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).

3.2 Staff and Councillors

Staff and councillors are only permitted to smoke in unenclosed designated areas. This applies to councillors while they are on Council premises, and to staff whilst they are at work, including whilst on official breaks, (e.g. lunchtime). Smoking breaks during contracted working hours are permissible and, if taken, must not be excessive. These breaks may be monitored by managers and must not disrupt the day-to-day operational working of the service or team. Any smoking break taken is not deducted from the employee's contracted hours or flexi balance.

3.3 Vehicles

- (i) smoking is not permitted under any circumstances or at any time in vehicles owned or leased by the Council;
- (ii) smoking is not permitted in private cars owned by employees or councillors at times when they are used to carry other employees, councillors, contractors, visitors or any other members of the public on Council business;
- (iii) smoking is not permitted in cars leased by employees under the Council's Car Leasing Scheme when they are used to carry other employees, councillors, contractors, visitors or any members of the public on Council business.

For the avoidance of doubt the views of the occupants of any of the above-mentioned vehicles are immaterial to the application of this policy.

3.4 Visiting clients or staff in their home

Employees visiting clients or staff (on Council business) in their home are not directly covered by the Health Act. This means that clients/staff are not required to refrain from smoking at home whilst being visited by an EFDC employee. However, under this policy employees must not smoke whilst visiting a client/other member of staff, even if the client/staff member is smoking.

Employees visiting clients or staff (including other members of the household) who smoke at home may make a request to the client that all household members refrain from smoking during the visit. They may also ask the client to provide adequate ventilation, for example, in the form of open windows or that the visit takes place at an alternative venue. Such requests must be made sensitively, and the client may refuse to comply. **If this is the case the interviewer is given the discretion to terminate the interview if other reasonable arrangements cannot be made for the interview to take place elsewhere in a smoke free environment.**

3.5 Support for those wishing to stop smoking

Information on stopping smoking with support from local cessation services is available from the NHS Smoking Helpline number 0800 022 4332 or West Essex Stop Smoking Team 01279 827 866. From time to time the Council may promote its

own smoking cessation initiatives in conjunction with Harlow Occupational Health Service.

4. Implementation of the Policy

Staff, councillors, contractors, members of the public and volunteers are personally responsible for complying with this policy. Day-to-day responsibility for implementation lies with Directors. To ensure that everyone understands that smoking is only allowed in designated external areas, clear signs will be displayed.

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.

All staff have a role to play in enforcing the policy and are required to report to their manager any observed or reported breaches. If a member of the public refuses to stop smoking in a designated non smoking area they should be asked to leave the premises and informed that the Council will refuse to deal with them whilst they are in breach of the smoking ban.

In the event of a breach of the policy by a visitor (for example from another organisation), she/he should be asked to extinguish all smoking materials and be informed of the availability of external smoking areas. If she/he continues to smoke the matter should be referred to the appropriate manager. In the event that staff or visitors continue to breach the policy, the person/organisation should be advised in writing of the consequences of breaching these requirements by the Manager.

5. Review of the Policy

This policy will be reviewed one year after operation (i.e. July 2008). At that review, consideration will be given as to whether it would be desirable to move to a total ban on smoking in unenclosed Council premises, and whether smoking breaks should continue to be allowed in the Council's time, rather than the individual employee's time.