



Smoking Policy

Policy Guiding Principles & Procedures

Prepared by: Human Resources
Date: XXXX 20XX
For Review: XXX 20XX
Approved by Employment and General Committee on: XXXXX

Preface

Chesterfield Borough Council acknowledges that breathing other people's smoke is both a public health hazard and a welfare issue. Therefore, the following policy has been adopted concerning smoking at Council premises. The policy applies in all buildings, grounds and Council vehicles.

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Policy Statement on Smoking

Chesterfield Borough Council recognises that the health, safety and welfare of employees, sub-contractors and anyone else directly affected by the organisation's operations are of prime importance. The Council has therefore developed and enforces a dedicated smoking policy, conforming to the requirements of the smoke-free legislation.

Scope

This policy will apply to all members of staff including agency and temporary staff, Elected Members, partner organisations, clients, visitors, contractors and other persons who enter Council owned or leased buildings, grounds or vehicles for any purpose. The policy extends to cars leased during business use.

Designated smoking areas

Smoking is prohibited within the organisation's premises, except in certain designated outside areas. The Council provides receptacles for smokers to safely dispose of cigarette butts and other smoking waste at all outside locations where smoking is allowed.

Smoking Breaks

Generally, smoking breaks are to be taken in employees' own time and are unpaid. Where exceptions to this rule exist, employees should be discrete and follow the relevant management instructions regarding smoking breaks. Employees should ensure that there is sufficient cover before taking a break.

Vehicles

The Council does not permit workers to smoke in company vehicles, including lease vehicles.

Homeworkers

Homeworkers are not required to refrain from smoking during the course of work that is carried out for the Council in their home, unless they invite others into an area of their home for work purposes.

Electronic Cigarettes

The Council acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up smoking. E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user.

Although they fall outside the scope of smoke-free legislation, the Council prohibits the use of e-cigarettes in the workplace. The Council's rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors, customers and other employees that it is acceptable to smoke.

Signage

The Council displays signs that make it clear that smoking is prohibited on its premises. These signs are located at entrances to all Council buildings.

The Council also requires that no-smoking signs are displayed in those of its vehicles that are subject to the ban.

Assistance for employees to give up smoking

The Council recognises the difficulty that employees who wish to give up smoking may face. The occupational health service can offer guidance information to help smokers to give up. Assistance is also available from the NHS Smoking Helpline on 0300 123 1044 or via <http://www.nhs.uk/smokefree> .

Non-compliance

Any infringement of these rules by an employee may result in appropriate disciplinary action, which will be dealt with in accordance with the Council's disciplinary procedure. Employees are also reminded that it is a criminal offence for employees to smoke in smoke-free areas, with a fixed penalty of £50 or prosecution and a fine of up to £200.

Anyone who is smoking in smoke-free areas should be reminded of the no-smoking signs and asked to stop. If a customer continues to smoke, employees should explain that the customer is committing a criminal offence and will not be served if he/she continues to do so. If the customer still refuses to stop smoking, staff should ask the customer to leave the premises and, where relevant, direct him/her to where he/she can smoke. As a last resort, the Council's procedure for dealing with illegal behaviour on its premises will be used.

Visiting Clients' Homes

Except under specific conditions, private premises are not covered by the Health Act 2006 and the related smoke-free regulations. Therefore, employees visiting clients in their homes to carry out work are not covered under this Act and the Council does not have any statutory obligations in this regard.

Although the right of individuals to smoke in their own homes cannot be restricted, the Council is committed to taking reasonable steps to protect employees from exposure to second-hand tobacco smoke when visiting clients in their homes. Employees may arrange appointments to ensure that exposure is limited. Furthermore, clients could be asked to refrain from smoking for the duration of the visit and to open windows.