



# **Smokefree Workplace Policy**

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## Introduction

Smoking is one of the key causes of ill health and premature death in the UK. As well as harming smokers it causes discomfort and potential ill health for non-smokers. It is estimated that in the UK 100,000 deaths each year are directly caused by smoking<sup>1</sup>. Smoking leads to a number of serious and fatal conditions, including circulatory and heart disease (CHD), many cancers and chronic obstructive airways disease (COPD). Around 86% of lung cancer deaths are caused by smoking<sup>2</sup> which is around 35,600 people each year based on the overall lung cancer figures<sup>3</sup>. Smokers are almost twice as likely to have a heart attack compared to people who have never smoked<sup>4</sup>. Within the workforce, smokers are have more sickness absence than their non-smoking colleagues. 377,000 days of productivity are lost each year in the NE due to increased absenteeism levels from smokers compared to non-smokers.

Northumberland County Council (NCC) is committed to supporting the health and wellbeing of its workforce. As there is clear evidence that both smoking and the inhalation of second-hand tobacco smoke are dangerous to health the Council has a responsibility both to protect its non-smoking workforce and to support those who do smoke in their efforts either to smoke less while at work or to stop altogether. It is understood that almost two thirds of smokers in the British general population say they would like to quit<sup>5</sup>.

The Council is also very aware that as the largest employer in Northumberland it can influence the wider community through its workforce.

In light of this commitment and in accordance with smoking legislation (see below) this smokefree workplace policy has been agreed and will supercede the previous policy on 1<sup>st</sup> January 2013.

### ***Legislative Background***

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.'*

The Health Act 2006 makes provision for the prohibition of smoking in certain premises, places and vehicles. Section 2 (2) states: *'...premises must be smokefree if they are used as a place of work including vehicles.'* The Act also places a responsibility on employers to ensure that no smoking takes place in areas which may lead to others being exposed to second-hand or side stream smoke.

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<sup>1</sup> <http://www.patient.co.uk/health/Smoking-The-Facts.htm>

<sup>2</sup> <http://info.cancerresearchuk.org/cancerstats/types/lung/smoking/>

<sup>3</sup> <http://info.cancerresearchuk.org/cancerstats/types/lung/>

<sup>4</sup> <http://www.bhf.org.uk>

<sup>5</sup> <http://info.cancerresearchuk.org/news/archive/cancernews/2011-03-09-Two-thirds-of-smokers-want-to-quit->

## 1. Aims

The Policy seeks to:

- guarantee a healthy working environment and protect the current and future health of staff and members of the public;
- guarantee the right of everyone to breathe in air free from tobacco smoke;
- comply with the Health Act 2006;
- raise awareness of the dangers associated with exposure to tobacco smoke;
- take account of smokers' needs;
- support staff who wish to stop smoking;
- inform staff and managers of their responsibilities in respect of the Policy;
- support smokers to help them adjust to increased restrictions on their smoking during the working day; and
- promote the culture of a smokefree organisation.

## 2. Application

This Policy will apply to all staff, visitors, contractors and other persons who enter any premises or vehicles used as workplaces by Northumberland County Council.

## 3. The Policy

### *Smokefree Space*

Northumberland County Council premises and vehicles are designated as smoke free areas. Internal spaces (more than 50% enclosed) and work vehicles must be smoke free by law. Smoking in these areas would attract penalties under the legislation for the smoker and the County Council. Under this policy exterior space is also smokefree, except under the arrangements outlined below.

Smokers will be allowed to smoke only at locations at least 30 metres from the buildings (or work vehicle) and away from public view. This avoids the health risks posed by second-hand smoke entering buildings through doorways and windows. It also ensures that the Council, with its leadership role and public health responsibilities is not associated with smoking and that we seek to de-normalise it, especially for the sake of children and young people. For this reason, where practical, NCC badges or uniforms should be covered when smoking. Electronic cigarettes (which look like cigarettes to an observer) will be treated in the same way as cigarettes with identical restrictions.

Signage will draw attention to the policy and also to sources of help for smokers who wish to stop. Receptacles will be provided for cigarette waste and will be positioned away from the buildings. Where smoking does take place it is the personal responsibility of the

individual to ensure that all waste materials are disposed of safely in an appropriate waste receptacle.

Smoking by staff is not permitted in the homes of clients of the Council even if the client smokes.

The only exception to the total ban on smoking in public places is in residential establishments and this exception **only** applies to residents. It would be unreasonable to forbid residents from smoking and they are allowed to do so provided that they pose as little risk as possible to staff or other residents through the effects of passive smoking. Managers of residential establishments need to be aware of the relevant legislation and if necessary should seek advice from Environmental Health Practitioners in the Public Protection Service. The protection of staff and other residents is vital. NCC staff at these establishments who smoke will be subject to the same provisions of this policy as all other staff.

### ***Staff***

If members of staff wish to smoke they should do so at normal and agreed break times. Any such time off will be without pay, and adjustments on flexi-sheets will be necessary for those subject to the Flexible Working Hours Scheme. Staff working standard hours will be required to make up the time. On no account should smokers be granted paid time to smoke.

### ***Visitors***

All visitors, contractors and deliverers are required to abide by the smokefree policy. Staff members are expected to inform visitors of this policy and direct them to an appropriate area in which to smoke.

### ***Vehicles***

Smoking is not permitted at any time in vehicles belonging to or leased by NCC. When a member of staff's private vehicle is being used to carry a colleague or client the smokefree policy must be observed.

### ***Disciplinary Action***

Any member of staff refusing to observe the policy, for example by smoking in unauthorised areas, will be liable to disciplinary action in accordance with the Council's Capability and Disciplinary Procedure.

All members of staff have a role to play in enforcing the policy and are required to report any observed or reported breaches to their manager and/or to the Head of Property Services. It is important to note that primary emphasis should be placed on preventing such situations from arising.

In the event of a breach of the policy by a visitor or staff member from other organisations, they should be asked to extinguish all smoking materials and be informed of the availability of external smoking areas. If they continue to smoke the matter should be referred to the appropriate manager or to security staff as appropriate. In the event that staff from other

organisations continue to breach the Policy, the appropriate organisation should be advised in writing of the consequences of breaching these requirements.

It is a criminal offence for anyone to sell, transport or possess illegal tobacco products.

The selling/storing and dealing in any way of illegal cigarettes and tobacco on Council premises will be considered as gross misconduct and will result in appropriate disciplinary action and onward reporting to the appropriate authorities.

For more information on illegal tobacco products, visit [www.get-some-answers.co.uk](http://www.get-some-answers.co.uk). If anyone has any information or concerns about illicit tobacco, they should contact the Public Protection Service Trading Standards Team on 01670-623870 or by email at [tradingstandards@northumberland.gov.uk](mailto:tradingstandards@northumberland.gov.uk). Alternatively staff can report concerns using the Report in Confidence form on the NCC Intranet site.

The Council also has a Fixed Penalty Notice Policy which sets a £50 fine for littering. This covers all publically accessible land in the county, and hence most NCC sites. Littering is defined as 'if a person throws down, drops or otherwise deposits in, into or from any place to which this section applies, and leaves, anything whatsoever in such circumstances as to cause, or contribute to, the defacement by litter of any place to which this section applies, he shall, subject to subsection (2) below, be guilty of an offence'.

#### **4. Monitoring and Review**

The following will be monitored:

- That staff are advised of the Policy
- That the Policy forms part of the induction programme
- Compliance with the Policy (a register of breaches will be kept)
- Smoking status as part of assessment of health needs of staff through surveys
- That discarded smoking materials are disposed of safely and in an appropriate waste receptacle

This Policy will be amended as necessary to reflect any changed circumstances or to comply with relevant legislation.

Any issues regarding the interpretation of the policy, or proposed changes to it, should be directed to the Head of Transformation.

#### **5. Support to stop smoking**

The Council will actively support those who wish to stop smoking. Stopping smoking is not easy but is enormously beneficial to health and wellbeing to the smoker and his/her family. Quit attempts with support have a 4 times greater chance of success than those without.

Locally, Northumberland NHS can be contacted on **01670 813 135**. They can provide information on stopping smoking with support from local smoking cessation services. Another good source of local information can be obtained from the FRESH website at [www.freshne.com](http://www.freshne.com) which includes information about the 'Take 7 Steps Out' campaign to increase the number of smokefree homes and protect children from second hand smoke.

Nationally, the NHS Smoking Helpline number is 0800 169 0169. The helpline can offer advice and support on stopping smoking. In addition, there is a useful website at [www.smokefree.nhs.uk](http://www.smokefree.nhs.uk).

As part of the Healthier Together Workplace Health Strategy, advice on stopping smoking, campaigns and information about avoiding tobacco harm will be promoted. If a member of staff wants support or information on an individual basis, they should contact the Health Improvement Officer on 01670-625527.