

Breckland Council Smoke Free Policy

1. Purpose

The Council, as an employer, is committed to:

- providing a safe, clean and healthy working environment for all of its employees
- promoting the health and wellbeing of its employees

We recognise that smoking is the primary cause of preventable illness and premature death in the UK, accounting for approximately 79,000 deaths a year in England alone. In addition, the harmful health effects of second hand tobacco smoke are now established beyond reasonable dispute. To address this public health issue the Council is introducing this policy to make our sites completely smoke free.

Our policy is not meant to "make" anyone quit. Our policy has two goals:

1. Ensure that all staff, elected members and visitors benefit from a smoke free environment
2. Provide opportunities and support to staff that wish to give up smoking.

2. Scope

1. The Smoke Free Policy has been developed to ensure that the Council provides a working environment that is conducive to the health and wellbeing of employees, councillors and the general public. Therefore the policy will apply to all employees of Breckland Council, Elected Members, visitors, or contractors working on, any Council owned premises, organisations with employees based in council building such as Capita, DWP and ARP and visitors to Council Premises.
2. The basis of the Policy is that any individual employee has the right to an atmosphere free of tobacco smoke during any time spent on the premises of the Council.
3. This Policy affords e-cigarettes and vaping the same restrictions as tobacco, for the following reasons:
 - the safety of e-cigarettes has not been significantly demonstrated as the chemicals used have not been fully disclosed and there is no adequate data on their emissions;
 - there is a lack of peer-reviewed evidence on their value in helping smokers cut down or stop;
 - concerns that e-cigarettes might reinforce the smoking habit as they are designed to closely mimic smoking actions

3. Key Legislation

The current legislation governing this Policy is contained in:

1. Health Act 2006
2. Health and Safety at Work Act 1974
3. Workplace (Health, Safety and Welfare) Regulations 1992
4. Management of Health and Safety at Work Regulations 1999

4. Definitions

For the purposes of this Policy the following definitions apply:

1. "Smoking" means smoking by any means, whether cigarette, cigar, pipe or any other product. This includes e-cigarettes and any other vaping devices. Reference in this Policy to cigarettes shall mean any of the aforementioned products.
2. "Passive Smoking" means the inhalation of smoke by a person or persons other than the smoker.
3. "Council Premises" shall include Council buildings, grounds, vehicles [including Council cars], car parks which form a part of the curtilage of a Council building, and any area surrounding any entrance to Council Premises, windows and air-intake vents

5. Responsibilities

1. The Council shall ensure that this Policy is adhered to by all employees, Elected Members, contractors and visitors to the Council Premises.
2. Employees / Elected Members shall ensure that they and any visitor to Council Premises comply with this Policy. Employees and Elected Members shall co-operate with the Council in the implementation and operation of this Policy.
3. Responsibility for the implementation of the Smoke Free Policy lies with all Line Managers including supervisors together with the most senior member of staff and to offer encouragement to employees to access the advice and support facilities available.

Specifically, it will be the responsibility of line managers to:

- Ensure that all staff reporting to them are aware of and adhere to this Policy
 - Ensure that any staff wishing to quit smoking be allowed to access Stop Smoking Services during work time
 - Ensure that employees are fully supported in reminding members of the public and visitors of the Smoke Free Policy
 - Comply fully with the Policy and act as a suitable role model for employees and visitors
 - Ensure reference to the Policy features on all relevant documentation
 - Monitor and maintain the Smoke Free Policy within their area
 - Respond appropriately to issues of non-compliance
4. Employees who see visitors or colleagues smoking on Council premises should politely make them aware of the Smoke Free Policy. Council employees are not expected to get involved in conflict situations in order to enforce the Smoke Free Policy and should only approach individuals to ask them to stop smoking if they are satisfied that it is safe to do so. If, after respectfully asking the individual to refrain from smoking, the situation escalates, staff should immediately and politely withdraw / walk away and seek support from their line manager.
 5. Employees should inform the appropriate manager of anyone who fails to comply with the Policy.

6. Policy

1. Smoking is prohibited on Council Premises, including all building, all vehicles and grounds.

2. The Council does not have any official smoking breaks. If you wish to smoke during the working day, you may do so in the breaks that you are entitled to under the terms of your contract.
3. The Council, in conjunction with the Council's Occupational Health and Safety Unit will assist any employee who wishes to stop smoking. Such employees should contact the Human Resources department for further information.
4. All job applicants will be made aware of the Policy via application packs, where a requirement to abide by it will be part of the person specification. Applicants will be reminded of the Policy at interview stage and compliance with the Policy will form part of the contract of terms of employment
5. Any breach of this Policy will be dealt with under the terms of the disciplinary Policy.
6. This Policy will come into force on 21 June 2021 and will be reviewed on a regular basis.

7. Implementation

1. The Policy will apply in all Council buildings, all vehicles parked on council premises and the grounds of all council buildings. It will also apply to all Council-owned or leased vehicles regardless of location.
2. Domestic dwellings where tenants/owners who receive a service are currently partially exempt as they are classed as domestic dwellings.

Staff Employees will be supported if they do not wish to work in the home of a heavy smoker following a risk assessment and appropriate consultation with the service user.

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8. Supporting Employees

1. *Smoking Cessation* – smoking cessation support is offered in a variety of ways, please contact the Human Resources department if you require further information
2. *Smoking* - The Council will adopt a reasonable and common sense approach to the conduct of those employees who may find adapting to a smoke free environment or attempting to stop smoking very difficult and stressful. Intensive support from the smoking cessation services may help them through the working day. However, where excessive smoking takes place, management is expected to deal with it under the terms of our Code of Conduct.
3. *Employee co-operation* - To enable individuals to become accustomed to the new restrictions employees unable to comply with the agreed Smoke Free Policy should in the first instance be supported with counselling and education processes.
4. Every effort will be made to ensure that this Policy is implemented and applied as fairly and consistently as is reasonably possible.

9. Recruitment of Staff

All job applicants will be informed of the Council's Policy prior to and at interview.

10. Visitors and Contractors

Visitors and contractors who use any Council building are expected to observe the restrictions on smoking. Entrance signs will indicate that people are entering a 'smoke free area'. Employees who meet visitors on Council premises will explain the rules politely but firmly and as far as possible ensure compliance. Visitors not adhering to the Policy will be asked to comply or leave the premises.

11. Monitoring and Review

The Council will continue to monitor the operation of this Policy, will review this Policy every two years and will publish any amendments. This Policy may be amended at any time at the Council's sole discretion. However, employees will, where possible, be consulted prior to any amendment of this Policy.

Approving authority: Council

Responsibility for Policy: Head of Paid Service

Date approved: 21st June 2021

Next review date: June 2023