



# Smoking at Work

A workplace smoking policy for Waltham Forest Council

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#### Introduction

1. Passive smoking or breathing other people's tobacco smoke has now been shown to cause lung cancer, heart disease and chronic lung conditions in non-smokers. Exposure to second-hand smoke during pregnancy can cause harm to the foetus, increasing the risk of premature birth, low birth weight and foetal death. Smokers themselves suffer from a range of smoking related illnesses and conditions, with smoking accounting for about one in six deaths in the UK each year. Smoking –related illness gives rise to sickness absence. Across employers in Waltham Forest, these sickness absences are estimated to equate to over 57,000 sick days and £5m in lost productivity per year. E-cigarettes are battery powered devices designed to replicate smoking behaviour without the use of tobacco. They turn nicotine, flavour and other chemicals into a vapour that is inhaled by the user, which is still highly addictive. The exhaled vapour can be seen and some products also have a light at the tip which illuminates when the user inhales. While the research into e-cigarettes safety and their impact on health is not conclusive at this time. It is important to protect others from exposure to e-cigarette vapours and to ensure their use does not lead people to believe it is acceptable to smoke or reinforce the "normalcy" of smoking behaviour. As such, e-cigarettes form part of this "Smoking at Work" policy, and are treated in the same way as tobacco-based smoking products. HR Review Article – <http://www.hrreview.co.uk/hr-news/health-safety/should-employers-allow-e-cigarettes/50506>

This policy was reviewed in April 2015 and became affective from 01 May 2015

#### Legal Context

2. As an employer the Council has a duty in common law to take reasonable care to protect the health of its employees. The Council acknowledges that breathing other people's tobacco smoke is both a public health hazard and an employee welfare issue. The Government also recognise this and the Health Act 2006 has prohibited smoking in enclosed public places (including work places) since July 2007.
3. The Health and Safety at Work Act (1974) places a duty on employers to provide a working environment for employees that is so far as is reasonably practicable:  
  
*"... safe without the risks to health; adequate as regards to facilities and arrangements for their welfare at work."*
4. Therefore, in order to discharge its current and future legal obligations and to demonstrate that it is a caring employer and service provider, Waltham Forest Council has adopted the following policy concerning smoking at work.

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#### Main aims of the policy

5. By introducing a policy on Smoking at Work, Waltham Forest Council aims to:
  - contribute to the Council's vision for 2015 and to government strategies for a healthier nation;
  - create a healthier workforce and reduce sickness absence;
  - create a healthier and more pleasant environment for employees and service users by eliminating tobacco smoke and the vapours from e-cigarettes from all Council premises;
  - comply with its legal duties to ensure the health, safety and welfare of its employees; and
  - comply with its legal duties improve the health of the local population

#### General principles

6. This policy retains many of the Council's previously stated aims on tobacco; this now includes the use of e-cigarettes.

It also seeks to strengthen those aims relating to smoking at work and the impact on the health of employees in the borough.

7. The Council will:
  - NOT sell or allow the sale of tobacco on its premises;
  - NOT accept tobacco advertising on its hoardings or billboards; and
  - NOT accept sponsorship from the Tobacco industry; and
  - Attach conditions to the hire of its halls and other facilities to ensure that these remain smoke-free.
8. As an enforcing authority, the Council will:
  - Stop the illegal sale of tobacco to children under 18 years of age;
  - Prevent the sale of illicit tobacco products; and
  - Ensure that the legislation requiring smoke-free public places and workplaces is enforced throughout the borough.
9. As an exemplar employer and in order to improve the health of not only Council employees but all people employed in the borough, the Council will:
  - Model good practice through its policy;
  - Promote the policy to employers in the borough; and
  - Offer advice on implementing similar policies.
10. This smoking policy seeks to guarantee all Council employees the right to work in an environment free from tobacco smoke, and the vapours from an e-cigarette

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whilst recognising that some employees may wish to quit and others may not. Therefore the policy offers support for those who wish to quit and clear guidance for those who do not. (Please see paragraph 23)

11. The Council expects all employees to refrain from smoking or using an e-cigarette during work time. Work time means any time an employee is being paid by the Council as part of their working week, except for authorised absence. Examples of work time include:
  - Any time recorded on an employee's flexi-record or other time sheet as time spent carrying out their duties.
  - When engaged in Council activities including when representing the Council at events, etc. whether within or outside the borough;
  - When working from home, during a visit from another member of staff.
12. The Council expects all employees, Members and visitors to refrain from smoking or using an e-cigarette:
  - In all Council premises and associated grounds including car parks and any building or workplace occupied by employees; and
  - All Council- operated public buildings, including theatres, cafes, sports and recreational facilities. Council –operated community centres, and youth clubs; and
  - All Council vehicles.
13. Risk assessments will have to be made and special arrangements implemented where necessary, in order to protect the employee's health in workplaces which are:
  - Within a service user's home; or
  - Residential homes, whether Council-run or not; or
  - Places where the Council has no control and the employee may be subject to second hand smoke.
14. Employees should not absent themselves from their place of work during work time for the purposes of smoking. Council employees who wish to smoke or use an e-cigarette should do so in their own time.
15. Managers should not condone employees taking time away from work in order to smoke or use an e-cigarette, as this could be seen to "normalise" smoking.

## Visitors and temporary employees

16. This policy applies equally to all visitors and temporary employees, including agency staff, consultants etc. whether employed by the Council or visiting Council premises.

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17. The following arrangements should be made for assisting in compliance with this policy and for informing staff, visitors and temporary employees:
- Suitable and sufficient signage should be provided in all Council premises to indicate that all Council sites are no smoking;
  - Suitable and sufficient receptacles for extinguishing smoking materials should be provided at the entrances of all premises;
  - The person inviting the visitor or engaging the temporary employees should inform them of the policy at the outset via the invitation letter or email.
  - The receptionist or person greeting the visitor or temporary employee should inform them of the policy upon arrival at the premises.

## Enforcement of the policy

18. The responsibility for enforcement of this policy lies with:
- Line Managers for breaches related to smoking during work time; and with
  - Line Managers and Facilities Managers for breaches related to smoking on Council premises.
19. Breaches of this policy by staff will be subject to the normal disciplinary procedures for employees.
20. Both staff and managers should challenge breaches of the policy by non-employees. Non-employees who breach the Smoking Policy and refuse to comply should be politely asked to leave the premises concerned.
21. Breaches of the policy by Members should be reported to the Chief Executive.
22. The effective date of this policy is No Smoking Day – 14<sup>th</sup> March 2007.

## Help for those who smoke

23. This policy recognises that second-hand smoke adversely affects the health of all employees. The Council would wish to encourage employees to give up smoking and seeks to influence this by controlling **when** and **where** they smoke thereby limiting the effects that smoking has on non-smoking colleagues and the public. However, it is recognised that the changes may impact on the working lives of employees that smoke.
24. In an effort to assist individual employees, the following help will be available:
- Smoking Cessation Support through local stop smoking services;

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- Occupational Health advice; and
- Counselling.

25. As of April 2013, the local authority inherited the commissioning responsibility for local stop smoking services. The local authority encourages employees to utilise the stop smoking services available in the borough during their quit attempt. Studies have shown that people are four times more likely to quit smoking with help from a professional stop smoking service.
26. Local Smoking Cessation Support is available through 08000320102 or email on: [stopsmokingservice.bdchs@nhs.net](mailto:stopsmokingservice.bdchs@nhs.net) . The stop smoking service can offer free face to face support on a one to one or group basis. For those not able to attend the service in person, there is also a dedicated quit line available. Support arrangements for employees should not interfere with the delivery of Council services.
27. Telephone counselling for employees is available 24 hours a day; seven days a week via the Council's counselling service for staff Employee Assistance Programme.
28. Training in Managing Stress will be available for those employees who use smoking as a way to manage stress<sup>1</sup>.
29. Support and encouragement should be offered by the colleagues of staff who wish to try to stop smoking.

## Policy within schools

30. For schools, this policy recommends that school Governing Bodies and Head Teachers adopt a Smoking Policy that prohibits all smoking in school premises and on school grounds.

## Recruitment procedures

31. Details of the policy should be included in the recruitment packs associated with job applications.

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<sup>1</sup> It should be noted that the effects of nicotine are to exacerbate the symptoms of stress and do not alleviate them.

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32. All job applicants should be made aware of the Smoking Policy at the interview stage.
33. On their appointment and at subsequent induction, all new employees and members should be provided with access to a copy of this policy.

## Informing employees of the policy

34. The Council will inform employees no less than 90 days in advance of the implementation of the policy. The policy will be published on ForestNet for access by staff. Printed copies will only be available for those employees that do not have access to PCs.

## Implementation, monitoring and review

35. The responsibility for implementing this policy rests with all employees and managers. Where necessary guidance will be provided for employees and managers on implementing the policy via the Personnel Framework.
36. The responsibility for monitoring the policy rests with senior managers.

1. A formal review of the policy will be conducted after eighteen months. Trade unions, health and safety and public health representatives will be consulted on the results of the monitoring and review.

## Changes to the policy

2.90 days' notice will be given regarding any changes made to the policy. Trade unions and health and safety representatives will be consulted in good time about any proposed changes.

## Consultation

3. This policy has been devised in consultation with Trade Unions and representatives concerned with health and safety in Waltham Forest Council through the Corporate Health & Safety Committee.



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### Document Information

<b>Title</b>	Smoking at Work
<b>Document Type</b>	Policy – a workplace smoking policy
<b>Document summary</b>	This document outlines the policy for smoking at work for employees and visitors to council premises.
<b>Policy Owner</b>	Head of Human Resources; Health & Safety Manager
<b>Location of original</b>	HSU\Council Policies & Info\Smoking\WF Smoking Policy 2010.doc

### Version History

<b>Revision date</b>	<b>Summary of changes</b>
October 2006	Policy agreed at CHSWG
January 2010	Draft review to CHSC.
March 2010	10 <sup>th</sup> March 2010 reviewed policy becomes operative.
April 2015	Policy review
April 2017	Policy review