

Policy on No Smoking in the Workplace

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.

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1. INTRODUCTION

- 1.1 Passive smoking - breathing other people's tobacco smoke - has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions.

Section 2(2)(e) of the Health and Safety at Work Etc. Act 1974 places a duty on employers to provide a working environment that is:

"... safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work."

- 1.2 Wheatley Group Services acknowledges that breathing other people's tobacco smoke is both a public health hazard and a welfare issue. Therefore, the following policy has been adopted concerning no smoking in all public and working areas of Wheatley Group Services.

2. GENERAL PRINCIPLES

- 2.1 This no smoking policy seeks to guarantee non-smokers the right to work in air free of tobacco smoke, whilst also taking account of the needs of those who smoke.
- 2.2 All premises were designated smoke-free from 26 March 2006 in line with the Smoking, Health and Social Care Act (Scotland) Act 2005 which imposes a ban on smoking in all workplaces. This applies to all offices and work areas, whether occupied by one person, or shared by two or more
- 2.3 Smoking or the use of e-cigarettes is not permitted in the following common areas:
- Lifts
 - Corridors
 - Stairways
 - Restaurant / Canteen / Kitchen
 - Meeting Rooms
 - Toilets
 - Reception Areas
 - Committee Rooms
 - Changing rooms
 - Entrances / Doorways

3. VEHICLES

- 3.1 Smoking or the use of e-cigarettes is not permitted in company vehicles at any time.

4. INFORMATION TO SECONDEES

- 4.1 Wheatley Group Services will provide all secondees with a copy of this policy upon their request. It can be found on the Intranet in the Health and Safety section with additional information regarding smoking cessation on the Healthy Working Lives (HWL) page and referenced through the Operational Safety Manual.
- 4.2 New and temporary secondees will be informed of this policy on induction.
- 4.3 This policy recognises that passive smoking adversely affects the health of all secondees. It is not concerned with *whether* anyone smokes, but with *where* they smoke, and the effect that this has on non-smoking colleagues. However, it is recognised that the smoking policy will impact on smokers' working lives.
- 4.4 Secondees who visit customers in their own homes can ask them and those who will be with them not to smoke during the visit and ideally not to smoke for at least an hour before the

visit is scheduled to take place.

Where secondees are exposed to passive smoke out with the Wheatley Group premises/vehicles while on company business, they will be entitled to request a smoke-free environment in which to continue their business i.e. local office, landing etc. Where no such environment is available, the secondee will be entitled to cease work within the area. In these circumstances, the employee must report such a situation to their line manager without delay, who will take the appropriate action.

4.5 In an effort to help individuals adjust to this change, the following help is being provided:

- The Health and Safety team have a list of chemists that provide nicotine replacement therapy (NRT) patches and gum at discounted prices
- Smoking Cessation support provided by the participating chemists

5. E-CIGARETTES

5.1 Wheatley Group Services 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.

5.2 E-cigarettes are a relatively new product and research on their impact is still in its infancy with, as yet, no evidence regarding the health effects of long-term use or how effective they are as a quitting aid in comparison to other therapies such as nicotine patches

Further information on research carried out can be found at:

<http://www.ashscotland.org.uk/media/5749/E-cigarettes%20briefing%20July%202013.pdf>

5.3 Although e-cigarettes fall outside the scope of smoke free legislation, Wheatley Group Services does not permit the use of e-cigarettes in the workplace or vehicles except in designated areas identified for this specific purpose. Wheatley Group Services rationale for a ban on e-cigarettes is that:

- Although they do not produce smoke, e-cigarettes produce a vapour that could provide 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 monitor. This can also give the impression to visitors/customers/other employees that staffs are smoking out with designated areas which may, in turn, result in formal complaints being made against staff.

6. VISITORS

6.1 All visitors are expected to abide by the terms of this policy. Secondees should indicate to visitors that there is a no-smoking policy.

7. ADEQUATE SIGNAGE

7.1 "No-Smoking" symbol signs will be conspicuously and permanently displayed to be visible to and legible by persons in and persons approaching no-smoking premises.

8. ENSURING COMPLIANCE

8.1 A breach of the smoking ban, under the new legislation is a criminal offence and can attract fines for those who '*smoke knowingly in a no-smoking area*' and '*those who knowingly permit smoking there*'. It could also lead to disciplinary action against secondees.

8.2 Secondees should take a common sense approach and breaks should be kept to a minimum. The frequency and duration of breaks should not have an impact on the work or

service provided and should comply with section 2.3 of this policy.

- 8.3 In the event of a person entering a no-smoking area, whilst smoking or using e-cigarettes, the following procedures should be implemented:
- Inform the appropriate site/location manager
 - Draw the person's attention to the "No-Smoking" signs in the area and inform them that he/she is committing an offence by smoking. Politely ask them to stop smoking
 - Direct them to the nearest place where they can smoke legally
 - Advise the person that their actions could result in the person in control of the premises receiving a fine
 - If the person continues to smoke or use an e-cigarette, ask them to leave the premises
 - If he/she refuses, implement normal procedures for anti-social/illegal behaviour on the premises
 - Maintain a written record of all such incidents and outcomes
 - If physical violence is threatened by the person smoking or using an e-cigarette, notify and/or seek assistance from the Police
 - Report the incident through the management chain to senior management for monitoring

9. IMPLEMENTATION, MONITORING AND REVIEW

- 9.1 Responsibility for implementing this policy rests with senior managers. Managers should contact Employee Relations should they require any support implementing this policy.
- 9.2 Monitoring of this policy will be the responsibility of the Employee Wellbeing Advisor and carried out at regular intervals following its implementation. Implementation progress will be an agenda item on the quarterly Health and Safety Strategic Committee meetings that are attended by the Trade Unions. A formal review of the policy will be conducted after the first year. Trade Unions representatives will be consulted over the results of the monitoring and review.