

HARLOW COUNCIL

Addendum to Health and Safety Policy

Smoke Free Workplace

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Introduction

The Health and Safety at Work Act 1974 places specific duties on employers to ensure, so far as is reasonably, practicable, the health, safety and welfare of employees whilst they are at work.

The Health Act 2006 makes provision for the prohibition of smoking in certain premises, places and vehicles. Premises must be smoke free if they are used as a place of work, this includes vehicles.

General Statement

Harlow Council is committed to the continuing process of providing a working environment that will ensure, so far as is reasonably practicable, the health safety and welfare of all its employees.

In maintaining a commitment to health and safety at work, Harlow Council will provide a workplace that is free from tobacco smoke, and will actively seek the co-operation and involvement of the workforce in the effective implementation of this policy.

Harlow Council prohibits the use of electronic-cigarettes in the workplace (except in designated smoking areas).

Failure by any Harlow Council employee, or contractor, to comply with the terms of this policy will be treated as a breach of health and safety procedures and could result in disciplinary action being instigated by the Council.

All Council buildings and vehicles covered by the policy will have signs displayed in order to ensure that members of the public are aware of the smoking restrictions.

Day to day implementation of this policy rests with Heads of Service.

Restrictions

The Health Act 2006 introduces, with effect from 2 July 2007, restrictions on smoking in workplaces and public areas, these are:

- All fully enclosed areas used as workspaces
- All partially enclosed workspaces. These are defined as having a roof and walls, which enclose over 50% of the space
- All vehicles where the vehicle is provided for work or for transporting the public
- Common parts of flat blocks etc. are covered by the legislation

Non Council Buildings

Some employees are required to visit other premises, both commercial and domestic, as part of their duties. Whilst Harlow Council cannot control smoking on these premises it still has a duty to its own employees.

When visiting commercial premises where people are smoking is likely to mean that the company/premises owner has not implemented the requirements of the smoke free legislation. If the employee is being exposed to passive smoking then it is perfectly acceptable for them to suspend the visit. They should, if necessary via their line manager, inform Environmental Health about the incident who will investigate the possible breach of legislation.

Although domestic properties are exempt from the requirements of the smoke free legislation it does not mean the staff are expected to accept exposure to passive smoking if the person they are visiting smokes.

As a first step the person should be asked if they would not smoke while the visit is taking place, or if it is another person in the property if they could smoke in a different room. If the person or people concerned refuse to stop smoking and the employee is being exposed to passive smoking then it will be acceptable to suspend the visit. This matter should then be reported back to their line manager.

Managers must arrange for a risk assessment and to ensure that all reasonable steps are taken to protect employees from exposure to passive smoking. In respect of home visits this could include a reference in any correspondence arranging the visit that: 'Harlow Council wishes to protect its staff against the effects of passive smoking and so requests that during the visit smoking does not take place. Should the Officer be exposed to passive smoking the visit might be terminated'.

Home Working

Any part of a private dwelling used **solely** for work purposes will be required to be smoking free if:

- It is used by more than one person who does not live at the dwelling
- Members of the public attend to receive or deliver goods and/or services

Private Vehicles

Vehicles that are used primarily for private purposes will not be required to be smoke free

Electronic-Cigarettes

Harlow Council acknowledges that some employees may wish to make use of electronic cigarettes ('e-cigarettes'), particularly as an aid to giving up or reducing 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, Harlow Council prohibits the use of e-cigarettes in the workplace (except in designated smoking areas) it considers that:

- further research is required on their safety and effectiveness as a nicotine replacement therapy;
- their use in the workplace might upset other employees, particularly if they are pregnant or trying to stop smoking themselves
- their use is not in keeping with the professional image of the Authority, especially if officers are dealing with clients and/or members of the public
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making the smoke free legislation difficult to monitor and creating an impression for visitors and other employees that it is acceptable to smoke therefore undermining efforts to reduce smoking by normalising cigarette use at work

Support for Smokers

Information can be obtained from the NHS Smoking Helpline number, which is **0300 123 1044**. The helpline can offer information, advice and support on stopping smoking along with a website www.givingupsmoking.co.uk.

Monitoring and Review

The following will be monitored:

- That people applying for jobs with Harlow Council are advised of the policy
- That the policy forms part of the induction programme

Summary

In maintaining a commitment to health and safety at work, Harlow Council will provide a workplace that is free from tobacco smoke, and will actively seek the co-operation and involvement of the workforce in the effective implementation of this policy.

- Smoking restrictions apply to all Council premises, including the common parts of flat blocks, and vehicles
- Domestic properties are not covered by the smoke free legislation
- Managers must put in place reasonable measures to avoid staff being affected by passive smoking when they have to visit premises that are not covered by the smoke free legislation
- The policy will be reviewed on a periodic basis

Health and Safety Team

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Revision History

Revision date	Previous revision date	Summary of Changes	Changes marked
1/2014	None	Reviewed and updated	No
7/2014	1/2014	E Cigarette Section added	
10/2017	None	Reviewed and updated	No
March 2020	None	Reviewed & updated	No