



City of Westminster

HEALTH & SAFETY INFORMATION
SMOKE FREE WORKPLACE POLICY

HEALTH & SAFETY: SMOKE FREE WORKPLACE POLICY

Summary

This Policy covers all council workplaces to ensure that as an employer the council fulfils its responsibilities under the Health & Safety at Work etc Act 1974 and the Health Act 2006 designed to protect the health of employees, contractors and the general public from the harm caused by the inhalation of second hand smoke.

Code of Best Practice

A “Code of Best Practice” is attached as appendix 1. It is designed to give practical advice to staff and managers regarding the implementation of this policy.

Policy standard

From the 1st January 2007 this policy requires all council workplaces, work vehicles and public premises to be smoke free.

Where such designated areas are being provided, they will be subject to periodic review. The smoke free workplace policy applies even where designated smoking places cannot be provided. In these circumstances local solutions will be risk assessed and implemented by the building manager at each building concerned.

Employees that persist in smoking in areas other than those designated for smoking and/or, where employees spend more time away from the office than manager considers reasonable (this includes within the designated smoking area), maybe subject to the normal disciplinary procedures, beginning with an informal warning.

Under the council’s Disciplinary Code, refusal or failure to comply with provisions of this policy may lead to disciplinary action.

Any attempt to disengage the fire alarm panel or to circumvent any other fire precautions may result in disciplinary action. These devices and procedures are for the protection of all people in the building. Devices must only be switched off if absolutely necessary, (i.e. during essential maintenance work when a risk assessment will be carried out).

Legislation and this policy standard do not apply to employees when they are working in the open air such as street based staff. Group/Unit policies may apply as laid down by the relevant Head of Unit.

All council buildings should have identified areas locations will have covered designated areas outside of the main building where smoking will be permitted:

- City Hall, 64 Victoria St.
- Lisson Grove, 4 Frampton Street
- Council House, Marylebone Rd

In order to protect employees and contractors who visit clients in their own homes, when clients refuse reasonable requests for no smoking during the visit, line managers will provide a letter to the client requesting that the client and their family do not smoke during the visit. If the client and or occupants do not respect this the manager can ask for an alternative venue for the appointment where reasonably practicable.

It is recognised that during difficult statutory service delivery circumstances and in emergency situations that it may not be possible for council employees to enforce the smoke free policy with clients. These potential circumstances will be identified in advance by the manager and discussed with the employees concerned and a strategy for minimising exposure will be agreed.

Within buildings that have joint status as a workplace and as residential accommodation residents should be permitted to smoke within the confines of their own personal accommodation but not within shared communal areas that also double as a workplace for council employees.

Residents will be asked not to smoke if a council employee or contractor needs to enter the personal accommodation for reasons of service provision. Information where requested will be provided by the council to aid employees that wish to give up smoking. Periodically smoking cessation programmes will be arranged by the council.

Manager's responsibilities

Managers will use their discretion when allowing their employees to spend reasonable time away from their workplace in order to smoke. This discretionary decision will be based upon a balance between the need for employees to smoke, the requirements of the service and the impact upon colleagues.

Employee responsibilities

Employees must ensure that they do not smoke in enclosed workplaces, or work vehicles at any time. They must also ensure that contractors, consultants, members of the public and any other invited guests also follow the standards set out in this policy.

Process Maps – None

Forms – Fire risk assessment (Corporate fire procedures)

Standard Leaflets – None

Guides – None

Code of Best Practice regarding the implementation of the smoke free workplace policy.

Introduction

This guidance gives information and advice to all managers and employees with regards to the implementation of the smoke free policy, which has been created as a result of the requirements contained within the Health Act 2006

The policy has been created to ensure smoke free premises at all times including Christmas office parties, other social gatherings and working lunches held in council buildings

Shared Premises

Council employees who are based in premises owned or managed by other Organisations are entitled to the same protection as those working in council managed

premises. In cases where the employee works in accommodation managed by another organisation the council will work with that other organisation in order to work to compliance. As an absolute minimum the council will expect the other organisation to comply from the date of national legislation implementation.

Home Visits

Employees visiting service users in their own private premises are entitled to the same protection as those working in council premises. Prior to the initial visit the service user should be made aware of the councils policy and requested to ensure that the service users and/or other occupants do not smoke during the visit and where possible not one hour before the council employees visit.

It should be explained that a smoke free room is one that is well ventilated and where no one has smoked in the previous hour.

The objective is to reach agreement with the service user regarding how the employee can deliver the service in a smoke free environment.

When a service user refuses reasonable requests for no smoking during the visit, line managers will provide a letter to the client requesting that the client and their family do not smoke during the visit. If the client and or occupants do not respect this the manager can ask for an alternative venue for the appointment where reasonably practicable.

It is recognised that in very extreme circumstances that it maybe unavoidable to prevent contact with service users who smoke especially in emergency situations.

However where possible these issues will be discussed in advance between the manager and the employee. This situation should arise in absolute exceptional circumstances and should not be used as a reason for policy implementation slippage.

Work vehicles

Smoking is not permitted in work vehicles however this does not extend to employees who use their own cars during business unless they are also transporting colleagues or other people.

Covered designated smoking areas

It is the responsibility of Corporate Property to risk assess, supply and maintain the shelters in the three buildings specified in the policy.

Employees who use the designated smoking areas should not be readily identifiable as council employees. This will require them to remove ID badges etc., where practicable.

It should be noted that ID must be replaced prior to re-entering the building to prevent the potential for a security breach.

Smoking when in a non corporate departmental building

When employees want to smoke and they are in buildings where there is not an obvious designated smoking shelter it is their responsibility to find out and conform to the local arrangements that are in place at the time. These local arrangements will conform to the requirements of the Health Act 2006.

Employees who use the designated smoking areas should not be readily identifiable as council employees. This will require them to remove ID badges etc., where practicable.

It should be noted that ID must be replaced prior to re-entering the building to prevent the potential for a security breach.

Street based employees

The policy does not cover employees working in the open air, however they may be subject to departmental policies and procedures.

Signage

The supply and maintenance of signs in corporate buildings stating the council's smoke free policy is the responsibility of Corporate Property. In departmental

buildings it is the responsibility of local management to supply and maintain. Signs are only required where the public are likely to visit. Employees are expected to know and implement the policy.

The Role of Occupational Health.

The Occupational Health team within HR will periodically organise smoking cessation sessions and will point employees towards other organisations such as: GIVING UP SMOKING: www.givingupsmoking.co.uk the NHS tobacco education campaign web site.

Where appropriate employees will also be encouraged to contact the Employee Assistance Programme for assistance.

Contractors, third parties and other visitors

Council employees who arrange for contractors, consultants third parties and other visitors to visit council workplaces must ensure that the policy is communicated and implemented.

Contract managers will also be required to monitor contractors working on behalf of the council to assess their compliance to legislation. There must be a correlation to the risk and appropriate in nature.

The role of Human Resources

Human Resources will include relevant information concerning the council’s policy in job advertisements and job descriptions. Information will also be communicated during the induction process.

Human Resources are also responsible for ensuring that the policy and the best Practice are updated when required.

Policy Review Record			
First Issue	Review Date	Review	By Whom
January 2007		February 2009	H&S Team
	February 2010	February 2010	H&S Team
	February 2011	January 2011	H&S Team
	January 2012		

