

Appendix A

Smoking Policy

February 2017

Document Control

Version History	v 4
Summary of Change	<p>This policy updates and replaces the November 2014 version. The policy includes new clauses that:</p> <ul style="list-style-type: none">• Restricts smoking to official unpaid breaks;• Instruct employees not to congregate outside residential or commercial buildings when smoking.• Instructs smokers that they must ensure that they are not identifiable as Council employees• Permitting the use of e-cigarettes (vaping) within outdoor Council premises
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Introduction

- 1.1 The Health Act 2006 and The Smoke-free (Premises and Enforcement) Regulations 2006 mean that from 1st July 2007 smoking is prohibited in all workplaces and enclosed public spaces, including work vehicles.
- 1.2 Haringey Council is committed to improving health, wellbeing and reducing health inequalities for all residents and employees. Haringey's Health and Wellbeing Strategy has the ambition to strengthen our tobacco control work to increase healthy life expectancy; tobacco is a major contributor to the unequal gap in life expectancy in the borough. The Corporate Plan also commits to creating a fair and equal borough (Cross-Cutting theme) by prioritising prevention of ill health and tackling the key causes of health inequalities through enforcement of the smoke-free workplace legislation. The purpose of this policy is to:
 - Demonstrate Haringey Council's commitment to preventing ill health and tackling health inequalities.
 - Protect employees, visitors and contractors from the harm of tobacco smoke whilst on Haringey Council premises.
 - Ensure those who smoke are given support, help and encouragement to quit when they choose to do so.
 - Limit the negative impacts of smoking on employees' health and productivity.
 - Conform to the law around smoke-free workplaces and enclosed public spaces.
- 1.3 In February 2016 Haringey's Health and Wellbeing Board and Chief Executive signed the Local Government Declaration on Tobacco Control, committing the Council to take action on tobacco related issues and act as an exemplar to others.
- 1.4 To underpin the policy the Council has developed additional guidance and supporting documents that contain information on where to get support for people who wish to quit and information on temporary abstinence whilst at work.
- 1.5 All smokers will be encouraged to use licensed nicotine replacement therapy such as patches, gum and e-cigarettes, and to access the most effective way to quit via Haringey's One You Stop Smoking Services.

Scope

- 2.1 This procedure applies to Councillors, all Council employees, contractors and workers, both Casual and Agency and visitors to Haringey premises.

General Principles

- 3.1 Haringey Council has a duty to protect the health of its employees. The evidence that exposure to other people's smoke is dangerous to health is undeniable.

- 3.2 Everyone working and visiting Haringey Council premises has a right to be in a smoke-free environment protected from the dangers of cigarette smoke. As such, there is a ban on smoking in or near Council premises. .
- 3.3 All Haringey Council employees have the responsibility for implementing this policy on site, both as part of their own conduct and when dealing with clients, visitors and contractors.
- 3.4 The Council is committed to providing support for employees who smoke and who want help with giving up. Under the terms of this policy, employees are entitled to access support - currently up to six smoking cessation sessions during work time - and will be fully supported by their manager in doing so. See section 8 for information about how to access stop smoking support.
- 3.5 All visitors to Council premises will be expected to abide by the smoke-free rule.
- 3.6 There is no 'right to smoke' and this has been confirmed by the Employment Appeal Tribunal in the case of *Dryden v Greater Glasgow Health Board* [1992] IRLR 469 , which confirmed that an employee who had smoked at work for a considerable time did not have an implied term in her contract entitling her to smoke at work, and that a total ban on smoking on the employer's premises was a "works rule" that the employer was entitled to implement.

Application

- 4.1 Smoking is not permitted inside the buildings or within the grounds of all Council premises; this includes outdoor areas such as car parks and surrounding entrances/ exits to buildings (for at least 20 meters). Smoking during official unpaid breaks must be taken away from Council buildings and smokers must ensure that they are not identifiable as Council employees when smoking.
- 4.2 Employees who smoke during official unpaid breaks such as lunchtime must do so away from residential properties and not congregate outside other commercial properties to smoke.
- 4.3 Smoking is not permitted in playgrounds and other outdoor areas mainly used by children and young people under the age of 16, or in sports grounds and other locations in part used for promoting and maintaining fitness and health.
- 4.4 All Council vehicles including vehicles on loan, hire or leased to the Council and used for the purpose of work, will be smoke-free. This is in line with the Smoke-free (Premises and Enforcement) Regulations 2006.
- 4.5 When carrying out home visits to clients Council employees are not allowed to smoke in their homes or workplaces, even when others present may be smoking.
- 4.6 Haringey Council is committed to protecting its employees from the harm caused by passive smoking while at work. During home visits, clients and anyone else in the home at the time must be asked to refrain from smoking while Council employees are present. Clients should be asked to keep the room in which treatment or care is being carried out as smoke-free at all times'. Employees should raise concerns with their manager.
- 4.7 E-cigarette use (vaping) is not permitted inside any Council building.

- 4.8 Employees who wish to use e-cigarettes are only permitted to do so in outdoor areas and grounds of Haringey Council premises.
- 4.9 Employees are expected to make visitors and contractors aware of the smoking restrictions. Issues with non-compliance should be escalated to line managers.
- 4.10 Staff breaching this Policy will be subject to the Council's disciplinary procedures.
- 4.11 Any employee smoking in an enclosed public space or workplace breaks the law and is liable to prosecution.

Penalties for non-compliance with the Legislation

- 5.1 Priority three of the Corporate Plan 2015-18 includes a commitment to create '*A clean, well maintained and safe borough where people are proud to live and work*' and ensuring our streets, parks and estates are clean, well maintained and safe.
- 5.2 Where smokers are smoking within the constraints of this policy they are responsible for properly disposing of their cigarette stubs and cigarette waste by ensuring that these are completely extinguished before placing in appropriate litterbins.
- 5.3 Smokers who fail to dispose of cigarette stubs properly can be issued with a Fixed Penalty Notice or a Court fine up to £200.

Smoking breaks

- 6.1 Employees are not allowed to smoke during working hours.
- 6.2 No additional breaks will be given to employees who smoke. Employees can only smoke in their own time e.g. before or after work or during their lunch break. Smoking in Council buildings and grounds is not permitted, even during official breaks.

E-cigarettes and vaping

- 7.1 Haringey Council acknowledges that some employees may wish to use e-cigarettes (vaping) as an aid to giving up or reducing smoking.
- 7.2 The use of e-cigarettes/vaping is not permitted inside any Council building or in any enclosed or substantially enclosed workplaces.
- 7.3 Employees who vape during official breaks such as lunchtime must do so away from residential properties and immediate surroundings of Council premises e.g. not within 20 meters of entrances and exits
- 7.4 The use of e-cigarettes/vaping is not permitted while in any vehicle that is used for either paid or voluntary work including Haringey Council's own fleet vehicle because the Council a) treats these as enclosed spaces and b) Council policy does not permit

smoking, mobile phone use or any other activity while driving for health and safety reasons.

- 7.5 Due to potential health and safety implications employees are not permitted to charge e-cigarettes at work or in vehicles. (This policy applies to all electrical devices including mobile phone chargers which have not been tested and approved.)

Support to stop smoking

- 8.1 Staff who reside in the borough who wish to stop smoking can get support by calling One You Haringey – 020 8885 9095 or by visiting the [One You Haringey website](#). All other members of staff can find details of their nearest stop smoking service by visiting the [NHS Choices website](#).
- 8.2 Additional information on is available
- www.ash.org.uk – Action on Smoking and Health: information on all aspects of smoking including Local Authority issues.
 - www.tuc.org.uk – Trades Union Congress: information on workplace smoking issues
 - www.nhsdirect.nhs.uk: information and advice on the effects of smoking and giving up and on other health issues

Disciplinary Action

- 9.1 Employees who fail to comply with this Policy will be subject to the Council's disciplinary procedures.
- 9.2 Employees who are also in breach of the smoke-free workplace legislation will also be subject to any sanction that may be applicable under criminal law.

Monitoring and Review

- 10.1 The Workforce Health and Wellbeing Board will monitor and review the policy and consult on any proposed changes to it.