

# TENBURY TOWN COUNCIL



## POLICY

### **NO SMOKING & NON-VAPING (Electronic Cigarettes)**

## **1.0 INTRODUCTION**

- 1.1 Second hand smoke is a known health hazard. In 2004, the Government's Scientific Committee on Tobacco and Health reported that the increased risk to non-smokers of lung cancer from exposure to second hand smoke was 24% and the increased risk of heart disease 25%.
- 1.2 Public health laws in the UK state that enclosed or substantially enclosed workplaces and public work places must be smoke free. This means that employers have legal responsibilities to prevent people from smoking in relevant premises at work, as well as in certain workplace vehicles.
- 1.3 In response to the government legislation and guidelines Tenbury Town Council has a total ban on smoking in any Council premises, including offices, corridors and toilets, vehicles (including privately owned when on council business and carrying any passengers) or worksites. Employees will not be permitted to smoke whilst carrying out their duties and responsibilities for Tenbury Town Council.
- 1.4 As a responsible employer we are taking the necessary steps to protect all employees from health risks wherever practical. Non-smokers have a right to work in a safe and healthy environment. This includes being protected from passive smoking. Tenbury Town Council recognises the risks of smoking both to smokers and non-smokers.
- 1.5 This policy applies to all employees, Members, customers, contractors and visitors to all the Council's premises and vehicles. This policy applies to anything that can be smoked, including cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes, and it also applies to electronic cigarettes (also known as e-cigarettes).
- 1.6 The implementation and enforcement of this policy, in association with the terms and conditions of employment is intended to protect the employee, colleagues, members of the public and Council.

## **2.0 CURRENT LEGISLATION**

- 2.1 It is intended that this policy complies with the relevant legislation including the 'Health Bill' in England and Wales effective from 1<sup>st</sup> July 2007.
- 2.2 The Health and Safety at Work Act 1974, Section 2(2)(e), which places a duty on employers to provide a working environment for employees that is :  
*"..safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work."*

## **3.0 PROCEDURE FOR SOMEONE CAUGHT SMOKING**

In the event that someone does smoke in a smoke-free environment, the procedure below will be followed:

- The person's attention will be drawn to the no-smoking signs and they will be requested to stop smoking or go outside the Council's premises
- It will be pointed out that the person is committing a criminal offence by smoking in a smoke-free premises or vehicle
- The person will be informed that Council employees have a responsibility to prevent smoking on Council premises and that both the person and the employees could receive a fine if smoking is not prevented
- In the event that a member of the public refuses to stop smoking, a member of staff will request the person's name and address in order to report the incident.

#### **4.0 AIMS AND SCOPE OF THIS POLICY**

4.1 This policy is intended to:

- Protect everyone against the effects of second-hand smoke
- Promote health in the workplace
- Support those people who would like to quit smoking

4.2 Vaping is not covered by the Health Act 2006, a different procedure should be followed if person is found to be using an electronic cigarette in a Town Council building:

- Employees will be informed that vaping is prohibited by this policy and they will be instructed to stop using their electronic cigarette and only use this during normal breaks off Council premises.
- Members of the public will be informed that vaping is prohibited by this policy and they will be requested to stop using their electronic cigarette and or go outside off the Council premises.

#### **5.0 GUIDELINES**

5.1 Non-adherence or disregard to any points below will be seen as a breach of this policy and the disciplinary procedure will be invoked, which could result in your dismissal.

- Smoking is not allowed in any part of the premises, worksites or grounds, including offices, corridors and toilets.

- Smokers are not permitted to smoke immediately outside any work base. This applies to employees, Members, volunteers and contractors.
- Employees based in premises owned by Tenbury Town Council are not permitted to smoke in any part of the premises, worksites or grounds, including offices, corridors and toilets.
- Employees are not permitted to smoke in personal vehicles whilst undertaking official Town Council business and carrying passengers.
- Employees are not be permitted to smoke whilst carrying out their duties and responsibilities for Tenbury Town Council.
- Smoking breaks will NOT be provided for employees.

## **6.0 RESPONSIBILITIES**

- 6.1 This policy is intended to benefit all employees and visitors. All employees are responsible for its continued implementation. Overall responsibility for ensuring the policy is implemented, monitored and reviewed rests with the Town Clerk.
- 6.2 Signs will be displayed where necessary to inform visitors. There will be no ashtrays inside Council buildings.
- 6.3 Employees should inform the Town Clerk of anyone who fails to comply with the policy.

## **7.0 SUPPORT**

- 7.1 Tenbury Town Council recognises that smoking is an addiction and that the smoking policy may impact on smokers' working lives. Tenbury Town Council wishes to support those employees who want to stop smoking and will recommend referral to your own GP for counselling or provide support through Occupational Health Service.

## **8.0 ENFORCEMENT OF THE POLICY**

- 8.1 In the event of an employee not respecting the policy, the Town Clerk will attempt to resolve the situation informally in the first instance.
- 8.2 Repeated breaches of the policy will result in disciplinary procedures.