



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

# Smoke Free Policy

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# Smoke Free Policy

## 1. Policy statement

Stockport Council is committed to promoting health and preventing disease for all its employees. This policy recognises that there is overwhelming evidence that smoking and the inhalation of passive smoke is detrimental to health and that as an exemplar employer, it has a responsibility to provide a healthy working environment.

The Council, as part of its contribution to furthering public health in Stockport, has pledged to provide progressive and health promoting working conditions for its employees within available resources and to encourage other employers to do the same.

In addition, the *Smoke-Free (General Provisions) Regulations 2007*, made under the Health Act 2006, came into effect at 0600 on the 1st July 2007.

NB. Where there is a legislative requirement, this will be identified by italics.

## 2. Aims

This policy contributes to ensuring and improving the health and safety of its employees by making all Council owned or leased offices/occupied buildings which are either wholly or substantially enclosed\*, smoke free.

*\*substantially enclosed means if there is a ceiling or roof where the permanent openings in the wall or perimeter are less than half the total area of the walls - known as the "50% rule" - no account is taken of any door or window openings.*

This will be supplemented by:

- Supporting employees who want to give up smoking by offering smoke cessation information and support.
- Minimising the risk to employees who work in clients/service user's homes/accommodation – separate guidelines will apply (Appendix 3).

## 3. Application

This policy applies to all Council employees, Elected Members, visitors to and contractors working in Council offices/occupied buildings/schools and employees working in the homes of clients/service users.

Where the term "smoking" is used it relates to the use of tobacco products and electronic cigarettes.

## 4. Employees who smoke

Whilst at work, employees who smoke must do so in their own time and ensure that any smoking related litter is properly disposed of.

Employees must record time spent away from their normal work on “smoking breaks”, and this time must be deducted from their weekly hours. In those workplaces where formal time recording does not occur local arrangements must be introduced to ensure that individuals account for this time.

## 5. Vehicles

Smoking will not be permitted in vehicles owned or leased by the Council whilst on Council business during working hours.

*No smoking signs must be displayed in all Council liveried vehicles*

Employees are not permitted to smoke in personal vehicles when undertaking Council Business and carrying any passengers.

## 6. Shared occupancy

Where Council owned buildings are shared by Non-Council employees, this policy will apply to all occupants.

## 7. Entrances to buildings/car parks

Employees must not smoke near to entrances or exits of Council buildings

Employees must not smoke near to or underneath windows of Council buildings where smoke may drift in to the building.

Employees must not smoke in car parks.

In addition: Smoking is not permitted on the Council’s Corporate Civic Complex or its associated grounds e.g. the piazza area.

*All entrances to buildings must display an A5 size notice which displays the internationally recognised no-smoking symbol and contains the words:*

*"No smoking. It is against the law to smoke in these premises."*

*The sign must be positioned in such a way that it can easily be read by persons using the entrance.*

Where an area falls under the definition of "substantially enclosed", then similar signage will be posted.

## 8. Sales of tobacco

Sale of tobacco products in employee occupied Council premises is not permitted.

## 9. Electronic cigarettes

Employees, official visitors and contractors, volunteers and members of the public should treat the use of e-cigarettes in the same way as their usual tobacco products in relation to the Smoke Free Policy.

Electronic cigarettes will not be permitted anywhere in enclosed public spaces including, entrances and exits to buildings, playgrounds and in other areas where residue may enter enclosed spaces and Council owned vehicles which are used as a shared commodity or indoors.

The Smoke Free Policy for Council Staff refers to the smoking of tobacco products and the use of electronic cigarettes and similar devices. Electronic cigarettes do not contain tobacco and therefore are exempted from the smoking ban via smoking law. However the residue is covered via the Control of Substances Hazardous to Health Regulations [COSHH].

Whilst evidence suggests that electronic cigarettes are considerably less damaging to health than smoking tobacco, they are currently unregulated and therefore the Council has taken the view that it will treat them under the same policy.

Local authority staff should not smoke e-cigarettes indoors or whilst on duty as this may give a misleading impression and it does not support the council's aim of 'de-normalising' smoking.

## 10. Non-compliance with the policy

If any employee does not comply with this policy they will be:

- Informed of the policy.
- Offered information about smoking cessation support.
- Asked to discuss the issue with their line manager.

If employees continue to ignore this policy, then disciplinary procedures will be followed as a last resort.

*In addition, fixed penalty notices could be issued to individual employees if they are found smoking in a smoke free place or vehicle.*

## 11. Monitor and review

This policy will be monitored and reviewed at least every 12 months and when any changes to legislation occur.

## **12. Signage**

The appropriate “no use of electronic cigarettes” signage will be posted adjacent to no smoking signs.

## **13. Sources of further information**

If managers/employees require any further advice regarding the application of the Smoke Free policy and guidance, please contact the corporate Health and Safety team via 0161 474 3056 or [healthandsafety@stockport.gov.uk](mailto:healthandsafety@stockport.gov.uk)

### Smoking guidelines for Council employees who work in other people's homes/accommodation

#### Introduction

Council employees are often required to work in other people's homes for variable amounts of time and as such they may be exposed to the harmful effects of passive smoke.

The aim of this protocol is to provide some practical guidelines, which will enable managers and employees to manage this situation and reduce the risk to health.

***NB. There is no legal restriction on people smoking in any part of their private dwelling used for work, if the work is undertaken solely to:***

- *Provide personal care for someone living in the dwelling.*
- *Assist with the domestic work of the household in the dwelling.*
- *Maintain the dwelling.*
- *Install, maintain or remove any service provided to the dwelling for the benefit of people living there.*

#### Protocol

However, it is expected that a smoke free environment will be provided whilst a Council employee is working in a client's/service user's home/accommodation. Therefore smoking by the client/service user, or by others who may live in the house/accommodation (including visitors), must not take place during this time.

Council employees will inform clients/service users of this requirement at their first contact or assessment.

The smoking status of the client/service user will be recorded and advice given with regards to smoking cessation and support from the Public Health section of the Services to People directorate.

If a smoke-free environment cannot be provided, a risk assessment must be carried out, and then alternative strategies must be explored in the following order of risk avoidance measures:

- a) If possible, the employee should leave the room if the client/service user or someone else is smoking.
- b) If this is not possible, increase ventilation in the room by opening a window/door etc.

- c) Agree with the client/service user that they will try and limit the number of cigarettes that they smoke whilst the employee is in their home/accommodation.
- d) Where exposure to passive smoke is still unacceptable, reducing the amount of time that any one employee spends there must be considered. Although this may affect the service provided it will reduce the amount of risk to the employee but will also mean that more people may be affected.
- e) If none of the above measures can be implemented then consideration should be given to withdrawing employees from the situation.

*This must only be considered as a last resort, and after all else has failed.*

Any issues involving clients/service users who do smoke should be documented in any care plans or similar procedures, so that all employees have prior warning.

**It must be ensured that Council employees who smoke are treated in the same way as non-smokers when allocating clients/service users who are smokers.**

In Council buildings, e.g. Hostels, Sheltered Accommodation, etc., any communal areas *must be smoke free.*



### **Guidelines for schools: Smoking and the use of electronic cigarettes**

Additional guidance regarding the use of electronic cigarettes is covered in the above policy.

#### **Introduction**

This appendix relates to the use of smoking materials/e-cigarettes in Local Authority maintained school property and grounds.

- Neither smoking nor the use of e-cigarettes by school employees, pupils, contractors or visitors is allowed on council maintained school property inclusive of both indoor and outdoor areas at any time.
- Neither smoking nor the use of e-cigarettes by school employees, pupils, contractors or visitors is allowed whilst such people are on formal school trips /events etc. and whilst they are representing the school inclusive of both indoor and outdoor areas at any time.

The aim of this policy is to provide some practical guidelines, which will enable head teachers, managers and employees to manage this smoke free situation and reduce the risk to health noting that Council employees who smoke/use e-cigarettes must be treated in the same way as non-smokers.