

Introduction

The purpose of this policy is to ensure that the Council provides a working environment that does not present a risk to the health and safety of its employees, visitors and service users.

Aims of Policy

The policy aims to ensure that the Council:

1. Meets its legal duties in respect of the Health and Safety at Work Act 1974 “to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees”.
2. Supports employees to stop smoking, to improve health and wellbeing
3. Meets its legal duties in respect of The Smoke-free Premises etc. (Wales) Regulations 2007, to ensure employees comply with the ban on smoking in all ‘enclosed’ and ‘substantially enclosed’ public and workplaces, including vehicles.

Scope

The policy applies to all persons on Council premises (which includes surrounding areas such as Council owned car parks and gardens and schools) or in Council vehicles, or where undertaking duties of the Council (including the general public and persons on business).

The smoke-free legislation covers vehicles which are used:

1. To transport members of the public or
2. by more than one employee in carrying out work duties (even if this use is at different times or only intermittently)

School Based Employees

Newport City Council commend this policy to individual Governing Bodies for adoption. If adopted by a Governing Body, the policy will apply to all employees under the direct control of that Governing Body.

To be read in conjunction with

[Employee Code of Conduct](#)
[Disciplinary Policy](#)

Principles

The Council / School supports and implements the Welsh Government’s objectives in respect of:

1. Preventing disease
2. Equality in health

3. Encouraging individual responsibility for health
4. Improving the health and safety of people at work

POLICY

It is Council / School policy that smoking on Council / School premises, in Council / School vehicles or whilst undertaking duties for the Council / School is prohibited.

The Council / School recognises its role in the health prevention agenda and therefore employees working with young people are not permitted to smoke in view of young people.

In line with customer care and common courtesy, Council / School employees must not smoke in service users' homes or when visiting other business premises. An employee has the right to request to be withdrawn from working in particular premises if they feel they are at risk from second-hand smoking. Managers / Head teachers must endeavour to accommodate this request, either by changing work rotas, or changing the meeting / interview location (if applicable) to enable this to take place in a Council / School no smoking environment etc. However, should the appropriate manager be unable to grant this request, then the manager must carry out a risk assessment to assess what safe working procedures can be adopted (protective breathing equipment may be provided).

Any employee who encounters the smoke free legislation not being adhered to, should report this breach to their Manager / Headteacher.

Employees who wish to smoke must do so in their own time. Employees should only break from work to smoke within authorised breaks.

Employees who wish to smoke are not permitted to do so on Council / School premises. Employees are required not to smoke immediately outside entrances to Council / School premises as this may harm the image of the Council. Employees are requested to clearly move away from these entrances if smoking, as this may affect the health of non-smokers walking in and out of the building, through second-hand smoking.

Employees are reminded that it is a criminal offence to smoke in a prohibited area. Any breach may make the individual subject to enforcement action and action will be considered under the [Disciplinary Policy](#). Breach of this policy may be considered an act of gross misconduct and the Council / School reserves the right to dismiss employees who fail to comply with this policy. Any dismissal will be subject to the appropriate disciplinary processes.

Employees found to be taking smoking breaks (including for the use of e-cigarettes) that are unreasonable in number or duration will also be subject to disciplinary action.

Employees have the right to report breaches of this policy to their Manager / Headteacher or in accordance with the Council's whistleblowing policy. Any such reports will be treated in confidence where possible and any employee making such a report will not suffer any detriment as a result of such a report.

HEALTH AND SMOKING

The health consequences of smoking and passive smoke

The Council / School recognises that smoking is the single greatest cause of preventable illness and death in Wales. It is responsible for most cases of lung cancer, and also contributes substantially to a range of other diseases including heart disease, gum disease, emphysema, bronchitis, and other cancers including bladder and oral cancer.

The Council / School recognises it has a role in promoting health and preventing disease and illness. There is increasing evidence that non-smokers are suffering illnesses normally associated with heavy smoking. Independent scientific research confirms the link between second-hand smoke and a range of diseases including lung cancer, heart disease and respiratory illness.

The Council / School recognises the fact that tobacco smoke is a nuisance, irritating the eyes, nose and throat and creating an odour that is persistent in clothes and hair. It is the Council's / School's view that, other than the hazard to the health of its employees and visitors, smoking may also give rise to further hazards to health and safety at work, for example, increase in fire risk etc.

What support is available?

The Council / School is aware that employees may find it difficult to stop smoking during working hours or may want to quit completely. The Council / School will support employees who wish to quit smoking by promoting the services of Stop Smoking Wales. Stop Smoking Wales deliver smoking cessation courses across Newport and South Wales.

Training is also available for managers / Head teachers or employees who wish to support peers and colleagues to address their smoking behaviour. Brief intervention training is available free of charge and can be arranged through Stop Smoking Wales' Training Department.

Further information can be found in the 'Useful Links and Information' section at the end of this document.

SMOKE FREE LEGISLATION

What do "enclosed" and "substantially enclosed" mean?

Enclosed will mean any premises with a ceiling or roof which except for doors, windows and

passageways, is wholly enclosed either permanently or temporarily.

Substantially enclosed will mean any premises with a ceiling or a roof which has openings in the walls that have a total area that is less than half the area of the walls. Put simply, for a structure not to be substantially enclosed, over 50% of the perimeter under a roof or ceiling must be open space.

Exemptions

There are only a small number of limited exemptions within the legislation. These mainly cover workplaces that are also a person's place of residence:

- 1) A private dwelling is not smoke free except for any part which is:
 - a) shared with other premises e.g. communal areas in flats; or
 - b) used solely as a place of work and only the person that lives in the dwelling uses that area and no other person is invited into that area in connection with the work.
- 2) There is also an exemption for work which is undertaken in a private dwelling if it is to:
 - a) provide personal or health care for a person living in the dwelling
 - b) assist with the domestic work of the household dwelling
 - c) maintain the structure or fabric of the dwelling
 - d) install, inspect, maintain or remove any service provided to the dwelling for the benefit of the persons living in the dwelling.
- 3) Designated rooms for use by those aged 18 years or more in:
 - a) a care home
 - b) an adult hospice
 - c) a mental health unit
 - d) Residential homes - Smoking is discouraged in resident's bedrooms. If there is a request from a resident to smoke in his or her room a risk assessment will be conducted. The individual home would reserve the right to deny such a request if there were Health and Safety concerns. Residential homes will have designated smoking areas.
 - e) Day Centres - Day Centres are not covered by the exemptions in the legislation and therefore people will need to smoke outside the smoke free premises.
- 4) Designated rooms in a research or testing facility.
- 5) Designated bedrooms in a hotel, guesthouse, inn, hostel or members club "designated room" or a "designated bedroom" as the case may be, means a room which —

- a) has been designated by the person in charge of the establishment concerned as a room in which smoking is permitted;
 - b) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls;
 - c) does not have a ventilation system that ventilates into any other part of the premises (except any other designated rooms or designated bedrooms, as the case may be);
 - d) does not have any door which opens on to smoke-free premises that is not mechanically closed immediately after use; and
 - e) is clearly marked as a room in which smoking is permitted.
- 6) Employees residing in a Council property as part of their work are exempt in their homes.
- 7) External Contractors, whether undertaking duties on behalf of the Council or working at Council premises, will be expected to follow the Council's No Smoking Policy and adhere to the smoke free legislation.

Signage Requirements

In premises:

All smoke free premises must display a 'No Smoking' sign in a prominent position at, or near, each entrance so that people entering the premises can see it.

The signs must:

- Be flat and rectangular and at least 160 mm by 230 mm
- Contain a graphic representation of a burning cigarette enclosed in a red circle at least 85 millimetres in diameter with a red bar across the circle which crosses the cigarette symbol
- Contain the following words — "Mae ysmegu yn y fangre hon yn erbyn y gyfraith" / "It is against the law to smoke in these premises".

For more information on signage for premises contact Property Services, Civic Centre on 01633 656656.

In Vehicles:

The "relevant person" must ensure that 'No Smoking' signs are displayed in a prominent position in each compartment of the vehicle, which is wholly or partly covered by a roof, including a driver's compartment.

A relevant person is defined as the operator, the driver and any person on a vehicle who is responsible for order or safety on it.

The signs must contain a graphic representation of a burning cigarette enclosed in a red circle at least 75 millimetres in diameter with a red bar across the circle which crosses the cigarette symbol.

ELECTRONIC CIGARETTES

The Council / School acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up 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, the Council / school prohibits the use of e-cigarettes in the workplace. The rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for other employees, customers, pupils or visitors that it is acceptable to smoke;
- the long-term health effects of the use of these devices are unknown; and
- as they are battery-operated, e-cigarettes may also pose a safety risk

USEFUL LINKS AND INFORMATION

Stop Smoking Wales

www.stopsmokingwales.com
0800 085 2219

Stop Smoking Wales provide support to smokers wishing to give up smoking. They deliver a 6 week smoking cessation programme across Newport and South Wales. The website provides further information and advice of smoking cessation.

If a number of employees wish for "stop smoking" sessions to be held on Council premises please contact mywellbeing@newport.gov.uk. Numbers depending, these sessions may be held in the place of work.

Stop Smoking Wales also provide free, accredited Brief intervention in smoking cessation training. Brief intervention is a method of discussing smoking and quitting in a positive, non-confrontational way, to encourage smokers to think about giving up and enable them to access specialist support when they are ready. For training dates visit the following website <http://www.stopsmokingwales.com/brief-interventiontraining> or email stop.smoking@wales.nhs.uk

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