

Guidance for Employers on Smoking within the Workplace

Research has shown that smoke-free workplaces help smokers to give up or reduce the amount they smoke. Some people may wish to continue to smoke during working hours. Organisations need to consider how they will deal with smoking in the workplace taking account of legal requirements and the views of employees.

This document is a summary of relevant information on smoking and smoking related issues in the workplace. Included are a number of examples (Appendices 1, 2a, 2b) which employers may wish to amend or adopt.

Benefits of Making Your Workplace Smoke Free

- Reduced absenteeism and sick leave
- Improved safety performance – fewer fires
- Lower maintenance costs – litter and cleaning costs
- Lower ventilation and air-conditioning costs
- Increased productivity – less smoke breaks
- Improving morale among non-smokers

Smoke Breaks

Workers are entitled to a rest break of at least 20 minutes for every six hours of work. Everyone is entitled to the same breaks, there is no requirement to give additional breaks or provide special treatment for smokers. Therefore, allowing smokers to smoke during working hours is at the employers' discretion. Addiction to nicotine is not recognised as a 'disability' under the Disability Discrimination Act 1995.

Vaporisers and Nicotine Containing Products

Historically, smoke-free policies would have covered cigarettes, cigars and pipes. In recent years there has been a steady increase in the use of other nicotine containing products which replicate smoking behaviour, such as electronic cigarettes and vaporisers.

The BMA believes that e-cigarettes should be included in the ban on smoking in public places, as it says there is a lack of rigorous, peer-reviewed studies to support the use of e-cigarettes as a safe and effective nicotine-replacement therapy. The BMA also says these devices may undermine efforts to prevent or stop smoking by making cigarette use seem normal in public and at work.

It is best for an employer to take affirmative rather than responsive action on the use of e-cigarettes and vaporisers, if your organisation decides to ban them. A memo should be sent to all staff with a copy of your no smoking policy.

Outreach Workers

The Management of Health & Safety at Work Regulations requires employers to make an assessment of all risks to health and safety, to identify any group of employees especially at risk and to take preventative measures. In view of the evidence of the adverse health effects of passive smoking, tobacco smoke should be included in that assessment and action taken if it is judged that passive smoking could pose a risk.

All employees have the right not to be exposed to second-hand smoke and outreach staff (including agency) should be treated in the same way as staff in other areas. Although clients' homes are private, they are a work setting where employees' safety should not be compromised.

Employers can take positive action to safeguard outreach workers. A letter/leaflet should be sent out in advance to advise clients and family members not to smoke during home visits. Providing information regarding second-hand smoke and an option to meet at alternative visit sites where smoking would not be permitted (Not sure that this sentence makes sense). Appendix 1

Designated Smoking Areas & Smoking Shelters

Legally, an employer does not need to provide a designated smoking area. If you do provide a designated area, usually in the form of a smoking shelter, the boundaries should be clearly defined and it must comply with planning requirements and building regulations. You will also need to conduct a risk assessment to ensure the area/shelter can be accessed and used safely. In addition you will need to consult with the local council's Tobacco Control Officer to find out if any proposed shelter will comply with the Smoking (NI) Order 2006.

Government Guidelines

From 30th April 2007, Northern Ireland smoke-free legislation came into effect. The law concerning smoke-free workplaces bans smoking in all enclosed workplaces and public places that are enclosed or substantially enclosed (with some exemptions).

The provisions on smoke-free workplaces covers tobacco products and other substances, which are in a form that could be smoked. This includes being in possession of a lit tobacco product or any other lit substance that can be smoked. For example, walking through the workplace with a lit cigarette would be an offence.

Premises: - Any person in control or with management responsibilities for smoke-free premises has a duty to stop any person smoking.

Penalties under the order include:

- The manager, business owner or the person in control at the time of the offence may face prosecution and a possible fine up to £2,500.
- People who are found to be smoking on your premises may receive a Fixed Penalty of £50 or possible prosecution with a maximum fine of £1000.

Vehicles: -The legislation also covers shared work vehicles/work vehicles used at different times by more than one person and places duties on:

- The driver,
- Any person who has management responsibilities for the vehicle, and
Any person who has responsibility for order or safety on a smoke-free vehicle

If any relevant person fails to prevent smoking in a vehicle, he or she may face prosecution and a fine of up to £2500. Any person caught smoking in a smoke-free vehicle may be issued with a fixed penalty of £50

Management must ensure vehicles are smoke-free by clearly communicating to employees the company policy, the legal requirements for smoke-free vehicles and by erecting signage.

Signage: - Any person with management responsibilities or in control of a smoke-free place (premises or vehicle) must ensure no smoking signs are displayed. Failure to display these signs may result in a fixed penalty of £200 or possible prosecution with a maximum fine of £1000. A minimum requirement for signs is that they must be displayed at all entrances to premises and in work vehicles.

Exemptions and Enforcement: - A small number of exemptions apply under the smoke-free legislation, primarily relating to accommodation. Local councils employ staff, including Tobacco Control Officers, who are happy to offer advice on all aspects of the legislation. Officers also carry out unannounced inspections to check compliance.

Guidance on how to deal with someone smoking in a smoke free place can be found at

http://www.smokefreeengland.co.uk/files/how_to_deal_with_smoking_in_a_smokefree_place.pdf

Developing a No Smoking Policy

Some people may question the need for a workplace smoking policy when smoking is already banned in most workplaces. Whether smoking is banned or not in your premises, a policy is still recommended as it makes clear what the organisation expects from employees. A good policy will also cover such issues as support for those who may wish to stop smoking.

Developing a policy is a relatively simple process but it is critical to inform and consult with the workforce and to give them adequate notice of when it will be introduced. Example policies are attached - Partial Smoking Ban (Appendix 2a) and Total Smoking Ban (Appendix 2b)

Further guidance can also be found at

<https://osha.europa.eu/en/publications/articles/smoke-free-workplaces-advice-for-employers-to-create-a-healthy-working-environment>.

Additional information:

<https://www.gov.uk/government/policies/reducing-smoking>
E-cigarettes: http://www.ash.org.uk/files/documents/ASH_900.pdf

Your smoking policy should be clearly promoted and accessible. Job advertisements should include a reference to your smoking policy and, on appointment, all new staff should be given a copy of the smoking policy. During staff induction employees could also be offered support should they wish to give up smoking and, if appropriate, could be referred to smoking cessation services.

Where can I get help?

Gillian Mc Atackney
Workplace Smoking Cessation Specialist
Mid and East Antrim Borough Council
Smiley Buildings
Victoria Road
Larne
BT40 1RU
Tel 028 2826 2373
Mobile: 07841954240
www.want2stop.info/smoking-workplace
gillian.mcatackney@midandeantrim.gov.uk



For information and advice relating to your legal responsibilities under the Smoking (NI) Order:

Contact your local council Environmental Health Department Tobacco Control Officer



Appendix 1 – Letter to be sent prior to outreach staff visits

Take care of the people who take care of you

Important information for people receiving home visits

Please consider the needs of our staff and provide them with a smoke-free environment.

Second-hand smoke has been found by the Government Scientific Committee on Tobacco and Health to be bad for people's health. Breathing in other people's smoke can cause cancer. Second-hand smoke can cause other health problems too, including heart disease, stroke and breathing problems. Short-term exposure to second-hand smoke can cause eye irritation, headache, sore throat, dizziness and nausea.

Employers have a duty in law to take reasonable care to protect the health of employees. [xxx business] is required by the Health and Safety at Work Order (NI) to ensure that employees and others are not put at risk.

We therefore ask if you would do everything possible to provide a smoke-free environment for our staff visiting you at home.

How to protect our staff from exposure to second-hand smoke:

- Refrain from smoking inside the house for at least 1 hour before they arrive
- Open windows and doors to fully ventilate the area of visit
- Try to keep one room smoke free at all times

During the visit:

- Do not smoke or let anyone else in the house smoke in the area
- Wherever possible, during the visit, ask other smokers to go outside to smoke

Policy Statement

We ask our staff to assess whether any environment they enter is safe for them to provide their services. If a smoke-free environment cannot be provided, a risk assessment will be required in order to reduce risk to a level that is as far as is reasonably practicable. We will support staff to leave an environment they deem to be unsafe. If necessary, you will be offered the service at an alternative venue.

Our undertaking to you

All routine visits will be pre-booked and you will be given a time for the visit. If the staff member is delayed, you will be contacted as soon as possible.

Smokefree Policy – Partial Ban

1. Introduction

- 1.1 Smoking remains the single biggest cause of preventable death and disability in the United Kingdom.
- 1.2 [Company] is committed to creating work environments which are free of smoke and vaporised nicotine containing products to protect the health and wellbeing of staff and visitors.

2. Application

- 2.1 This policy applies to all staff employed by [Company]. All Contractors (including agency staff and other contract staff), students, volunteers and visitors are expected to adhere to the smokefree policy.

3. Definitions

- 3.1 This policy, refers to cigarettes, cigars, pipe and tobacco containing products and the use of nicotine containing products which replicate smoking, such as vaporisers and electronic cigarettes.

4. Nicotine Containing Products and Vaporisers, including electronic cigarettes

- 4.1 E-cigarettes are often said to be a safe alternative to smoking real cigarettes. However the British Medical Association (BMA) stated that:

- E-cigarettes should be included in the ban on smoking in public places.
- There is a lack of rigorous, peer-reviewed studies to support the use of e-cigarettes as a safe and effective nicotine-replacement therapy.
- These devices may also undermine efforts to prevent or stop smoking by making cigarette use seem normal in public and at work.

The safest and most effective way to stop (smoking) is with the support of a stop smoking service who can provide regulated, licensed nicotine replacement therapy. Public Health Agency (PHA) advises caution, with a clear message of "don't smoke and don't vape."

5. Policy statement

- 5.1 The aim of this policy is to ensure the right of non-smokers to breathe smoke-free air at work. This policy outlines the rights and responsibilities of all staff and visitors.
- 5.2 [Company] is committed to providing a smoke-free environment for all staff and visitors. As part of this commitment staff will be offered advice and guidance on local cessation services [www.want2stop.info or name of in-house specialist]
- 5.3 Smoking will not be permitted in the following areas:
 - 5.3.1 Standard PolicyAll [Company] owned and leased vehicles will be smoke-free at all times, including the use vaporisers and nicotine containing products (NCP's), which replicate smoking behaviour.

Employees are not permitted to smoke or use vaporisers and NCP's which replicate smoking behaviour in their own private vehicles when carrying passengers on work related journeys.

All of the enclosed areas within the [Company] worksites, without exception. This includes common work areas, the manufacturing facilities, classrooms, conference and meeting rooms, private offices, hallways, the lunchrooms, stairs, restrooms, employer owned or leased vehicles, and all other enclosed facilities. Smoking, the use of vaporisers and NCPs such as electronic cigarettes, shall be restricted to designated smoking areas and is not permitted outside any entrances to [Company]. The aforementioned products may be mistaken for smoking and may encourage others to deem that smoking is permitted. This may result in the [Company] having complaints made about compliance with the law.

- 5.4 This policy forms part of the [company] health and safety policy, and any breaches will be dealt with under the normal disciplinary procedure.

6. Responsibilities

- 6.1 Line-managers and supervisors
 - 6.1.1 Managers are responsible for informing and educating their staff about the smoke-free policy requirements, as they would with any health and safety issues.
 - 6.1.2 Any concerns employees may have regarding smoking at work should be reported immediately to their line manager, so that affirmative action may be taken, if necessary.
- 6.2 Staff
 - 6.2.1 All members of staff have the responsibility to comply with the smoke-free policy.
 - 6.2.2 Staff who want to smoke during official breaks can do so within designated areas [identify]

6.2.3 Staff are encouraged to remind anyone (colleagues and visitors) who is failing to comply with the smoke-free policy about the conditions of the policy.

6.2.4 From [date policy to be adopted], any member of staff who fails to comply with the smoke-free policy will be [may be] subject to disciplinary action. An initial breach of this policy will be dealt with in an informal policy capacity. However, any member of staff who persistently fails to comply with the policy, will be subject to disciplinary policy and procedure.

6.2.5 All staff wishing to quit smoking are encouraged to avail of local quit smoking services.

6.3 Human Resources

6.3.1 Job advertisement and job descriptions will include a statement to say that [Company] is a smoke-free working environment.

6.3.2 All new staff will be informed of the smoke-free policy and provided with information on local cessation services.

6.3.3 The smoke-free policy will be linked to current Disciplinary policy

7 Support for staff who smoke

7.1 It is recognised that some smokers will need to adjust and some may welcome support to quit smoking. A list of local cessation services which offers free nicotine replacement therapy (NRT) and behavioural support will be made available to staff.

7.2 Where numbers and demand permit, a smoking cessation specialist will deliver either brief interventions or an on-site clinic.

8 Implementation

8.1 There will be a three month implementation period in the lead up to the launch of the policy.

9 Review

9.1 As with other policies, the smoke-free policy will be reviewed on an annual basis and will be amended, as appropriate.

Smokefree Policy – Total Ban

1. Introduction

- 1.1 Smoking remains the single biggest cause of preventable death and disability in the United Kingdom.
- 1.2 [Company] is committed to creating work environments which are free of smoke and vaporised nicotine containing products protect the health and wellbeing of staff and visitors.

2. Application

- 2.1 This policy applies to all staff employed by [Company]. All contractors (including agency staff and other contract staff), students, volunteers and visitors are expected to adhere to the smokefree policy.

3. Definitions

- 3.1 This policy, refers to regular cigarettes, cigars and pipe and any other tobacco containing products and the use of nicotine containing products which replicate smoking, such as vaporisers and electronic cigarettes.

4. Nicotine Containing Products and Electronic Cigarettes

- 4.1 E-cigarettes are often said to be a safe alternative to smoking real cigarettes. However the British Medical Association (BMA) stated that:
 - E-cigarettes should be included in the ban on smoking in public places.
 - There is a lack of rigorous, peer-reviewed studies to support the use of e-cigarettes as a safe and effective nicotine-replacement therapy.
 - These devices may also undermine efforts to prevent or stop smoking by making cigarette use seem normal in public and at work.

The safest and most effective way to stop (smoking) is with the support of a stop smoking service who can provide regulated, licensed nicotine replacement therapy. Public Health Agency (PHA) advises caution, with a clear message of “don’t smoke and don’t vape.”

5. Policy statement

5.1 The aim of this policy is to ensure the right of non-smokers to breathe smoke-free air at work. This policy outlines the rights and responsibilities of all staff and visitors.

5.2 [Company] is committed to providing a smoke-free environment for all staff and visitors. As part of this commitment staff will be offered advice and guidance on local cessation services [or name of in-house specialist]

5.3 **Smoke-free Policy**
All [Company] owned and leased vehicles will be smoke-free at all times, including the use vaporisers and nicotine containing products (NCP's), which replicate smoking behaviour.

Employees are not permitted to smoke or use vaporisers and NCP's which replicate smoking behaviour in their own private vehicles when carrying passengers on work related journeys.

Smoking and the use of vaporisers and NCPs such as electronic cigarettes, is not permitted in any part of the grounds at any time, by any person regardless of their status or business with the premises/company. This includes entrances, car parks, gardens, or any part of the premises owner or leased by [company]

5.4 This policy forms part of the [company] health and safety policy, and any breaches will be dealt with under the normal disciplinary procedure.

6 Responsibilities

6.1 Line-managers and supervisors

6.1.1 Managers are responsible for informing and educating their staff about the smoke-free policy requirements, as they would with any health and safety issues.

6.1.2 Any concerns employees may have regarding smoking at work should be reported immediately to their line manager, so that affirmative action may be taken, if necessary.

6.2 Staff

6.2.1 All members of staff have the responsibility to comply with the smoke-free policy.

6.2.2 Staff who want to smoke during official breaks can do so outside of [Company] owned or leased premises and vehicles.

6.2.3 Staff are encouraged to remind anyone (colleagues and visitors) who is failing to comply with the smoke-free policy about the conditions of the policy.

6.2.4 From [date policy to be adopted], any member of staff who fails to comply with the smoke-free policy will be [may be] subject to disciplinary action. An initial breach of this policy will be dealt with in an informal policy capacity. However, any member of staff

who persistently fails to comply with the policy, will be subject to disciplinary policy and procedure.

6.2.5 All staff wishing to quit smoking are encouraged to be aware of local quit smoking services. For further information visit: www.want2stop.info

6.3 Human Resources

6.3.1 Job advertisement and job descriptions will include a statement to say that [Company] is a smoke-free working environment.

6.3.2 All new staff will be informed of the smoke-free policy, which is linked to current disciplinary policy and provided with information on local cessation services.

7 Support for staff who smoke

7.1 It is recognised that some smokers will need to adjust and some may welcome support to quit smoking. A list of local cessation services which offers free nicotine replacement therapy (NRT) and behavioural support will be made available to staff.

7.2 Where numbers and demand permit a smoking cessation specialist will deliver either brief interventions or an on-site clinic.

8 Implementation

8.1 There will be a three month implementation period in the lead up to the launch of the policy.

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9.1 As with other policies, the smoke-free policy will be reviewed on an annual basis and will be amended, as appropriate.