



West Lothian
Council

Smoke Free Policy



Approved Council Executive: 15 September 2015

SMOKE FREE POLICY

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SMOKE FREE POLICY

(covering all employees, visitors, customers and contractors)

1. POLICY STATEMENT

- 1.1 It is widely recognised that smoking and passive smoking are damaging to health.
- 1.2 The council is responsible for ensuring, so far as is reasonably practical, the health, safety and welfare of its employees whilst at work, and supports the view that its employees are entitled to breathe air unpolluted by tobacco smoke or other smoking vapours whilst at work.

2. PURPOSE

- 2.1 The purpose of this policy is:
- to ensure that the council and its employees comply with the terms of relevant legislation including the:
 - Smoking, Health and Social Care (Scotland) Act 2005;
 - Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006;
 - Health & Safety at Work Act 1974;
 - Safety and Health of Pregnant Workers Directive; and
 - Scottish Governments Tobacco Control Strategy for Scotland.
 - to ensure a comprehensive and consistent control of smoking in council establishments, surrounding grounds and vehicles being used on council business.
 - to set out the council's policy position on the use of e-cigarettes in addition to tobacco based products

3. EMPLOYEES

- 3.1 Smoking by employees is prohibited in the following areas:
- indoors on council premises including employee workstations, meeting and training rooms, toilets, lifts, stairs, corridors, canteens and rest areas etc.;
 - building entrances/exits and surrounding grounds. The border of surrounding grounds will be determined locally at each council building and appropriate signage displayed to inform building users.
 - within council vehicles; and
 - in private vehicles on authorised council business where another council employee or client is travelling in the vehicle as a passenger

- 3.2 Employees who choose to smoke may do so only;
- a) during designated breaks as provided for by their contract of employment, and
 - b) in outdoor areas that are not council controlled designated smoke - free zones.

Out-door smoke – free zones are those areas identified by the council in compliance with the relevant provision of the Scottish Government’s Tobacco Control Strategy for Scotland.

4. VISITORS TO BUILDINGS

- 4.1 Visitors to council buildings are required to conform to the smoking restrictions. Where a visitor fails/refuses to adhere to the smoking restrictions they should be asked to leave the council building/surrounding grounds.
- 4.2 Where organisations or persons are granted temporary use of council premises (e.g. meetings or events of Voluntary Organisations, trade unions, etc), a condition of approved use will be that the smoking restrictions are adhered to at all times.
- 4.3 Similarly, council properties that are let by external organisations or members of the public are also subject to the terms of this policy and therefore letting conditions will include compliance with smoking restrictions.

5. ADULT RESIDENTIAL FACILITIES

- 5.1 Certain premises are exempted under the law, including adult residential facilities. It is important to note that there is no legal obligation on the owners or managers to which an exemption applies under the new law to provide designated areas for smoking if they do not wish to do so.
- 5.2 Management of council facilities eligible for exemption may set policy, within the law, regarding the presence of a designated smoking room where deemed locally appropriate and where facilities are compliant with the law or can be made so with few modifications. Local protocols for reducing harm to staff and other patients would be implemented by managers.
- 5.3 Provision of designated smoking areas will be reviewed as appropriate.

6. DOMICILIARY CARE

- 6.1 Staff who provide services to people in their homes are at risk if those people are smoking. All members of the public receiving services in their homes will be notified in writing that the council wishes to provide a smoke-free environment for its employees. As a consequence, anyone expecting a service in their home is requested:
- (a) not to smoke during the visit; and
 - (b) not to smoke for an hour prior to the appointed time

6.2 Failure to comply with the request may mean that the council will provide the service in an alternative setting or reduce the level of service or refuse the service altogether, depending on the circumstances and nature of the service. Managers' decisions regarding service provision will be taken with due regard for the duty to care for both service users and employees.

7. OUTSIDE PREMISES AND BUS SHELTERS

7.1 **Outside premises** - smoking is banned from exits and entrances, and the surrounding grounds of council buildings and school property. The border of surrounding grounds will be determined locally at each council building and appropriate signage displayed to inform building users.

7.2 **Bus shelters** - all council bus shelters will be treated as smoke-free zones.

8. E-CIGARETTES

8.1 E-cigarettes are battery powered devices designed to replicate the behaviour of smoking without the use of tobacco and are increasingly being used as a substitute for smoking.

8.2 In the absence of regulation and definitive evidence as to their safety, the council's policy is to treat the use of e-cigarettes and other similar products as being subject to the same policy prohibitions that apply to tobacco based products as outlined in Paragraph 3.1 of this document.

8.3 The use of e-cigarettes and other similar electronic nicotine delivery (END) devices must be in the employee's own time and out with council buildings or surrounding grounds.

8.4 The charging of e-cigarettes on council premises is also prohibited for fire safety reasons.

9. RESPONSIBILITIES

9.1 Depute Chief Executives are responsible for ensuring that:

- this policy is implemented, in respect of all council premises and vehicles, which fall within their control;
- no smoking notices are prominently displayed in key areas throughout each building (e.g. at all entrance points, meeting and training rooms, toilets, canteens, rest rooms, etc.), in compliance with the signage requirements in with the Smoking, Health and Social Care (Scotland) Act 2005 and with reference to the Scottish Governments Tobacco Control Strategy for Scotland;
- that all new employees are informed of the policy.

9.2 Employees are responsible for adhering to the terms of this policy, for reporting any breaches of the policy to their line manager and for ensuring that any visitors are advised of the policy where appropriate.

9.3 Any breach of the policy will be viewed seriously and dealt with in accordance with the council's Disciplinary Procedure.

10. SUPPORT FOR CESSATION OF SMOKING

10.1 The council is committed to supporting employees who wish to stop smoking.

10.2 Information on free smoking cessation classes provided by NHS Lothian can be found at:
<http://www.nhslothian.scot.nhs.uk/HealthInformation/HealthAwareness/Smoking/Pages/default.aspx>

11. REVIEW

11.1 The council will keep this policy under review and any required changes will be made in consultation with the recognised trade unions.