



# SMOKING & VAPING POLICY

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INVESTOR IN PEOPLE



## Smoking & Vaping Policy

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## Smoking & Vaping Policy

### 1. Aims of this Policy

This policy implements the provisions of the Health Act 2006 with respect to smoking at work.

The policy seeks to:

- Ensure a smoke-free working environment and protect Council employees, councillors, contractors and members of the public who enter EFDC premises, including vehicles by not exposing them to tobacco smoke;
- Ensure a working environment free of the vapours and chemical emissions of e-cigarettes and other electronic nicotine delivery products (ENDS);
- Support those who wish to stop smoking;
- Address the issues of smoking and vaping in Council and private vehicles, and staff visiting private homes;
- Comply with the core provisions of the Health Act.

(The policy does not cover the Council's public enforcement role in the community).

### 2. Introduction

Section 2(2) of the Health and Safety at Work etc Act 1974 places a duty on employers to: *'provide and maintain a safe working environment which is, so far as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.'*

The Health Act 2006 makes provision for the prohibition of smoking in certain premises, places and vehicles. Section 2(2) states that *premises must be smoke-free if they are used as a place of work including vehicles.*

A survey of staff conducted in November 2015 gave a clear indication that the majority of staff, 81% of respondents, did not want vaping (the use of electronic cigarettes or other ENDS) to be permitted within enclosed Council workplaces.

EFDC acknowledges that vaping is significantly less harmful than smoking and may be an aid to quitting smoking however it also acknowledges that the health effects of passive vaping are not known and that the exhaled vapours from e-cigarettes are a respiratory irritant to some people.

### **3. Scope of this Policy**

This policy will apply to all staff, councillors, visitors, contractors and other persons who enter the premises or vehicles of the Council, or private vehicles used on Council business. It will also apply to staff when visiting private homes, regardless of whether the occupant smokes or vapes.

This policy will apply to all Council offices and workspaces and to other Council premises open to the public including the communal areas of housing developments, the communal areas of sheltered housing complexes, the communal areas of Norway House (the Council's homeless hostel), Epping Forest District Museum, the Lowewood Museum and the District's Leisure Centres that are managed on the Council's behalf (Epping Leisure Centre, Loughton Leisure Centre, Ongar Leisure Centre and Waltham Abbey Swimming Pool).

This policy does not apply to tenanted housing and the private areas of tenanted housing developments or sheltered housing complexes.

#### **3.1 Restrictions on Smoking and Vaping**

Smoking and Vaping are not permitted in any part of the premises or at entrances (other than designated external areas) managed, leased or owned by the Council at any time, by any person regardless of their status or business with the organisation. By 'premises' is meant any building or substantially enclosed public or private area. Such spaces include lifts, corridors, stairways, lavatories, rest rooms, reception areas or entrances. (An enclosed area is one which has a permanent or semi permanent roof and has walls (including windows and doors) enclosing more than 50% of its perimeter). An exception to this rule is to allow vaping in the underground car park at the Civic Offices.

Designated external areas where smoking or vaping is permitted will be positioned away from doorways and windows through which smoke or vapours may enter and cause a nuisance to those in the building. The Council will not provide shelters and smokers and vapers shall make their own arrangements for wet weather shelter. Where space allows, a separate area for vaping shall be provided away from the smoking area so that vapers who are trying to give up smoking do not have to stand with smokers.

It will be for the designated site managers to identify smoking and vaping areas at their sites. Designated smoking and vaping areas must be identified with signage and notified to staff.

Butt bins will be provided in or near these areas. The presence of a butt bin does not signify a designated smoking area. Smokers must keep away from buildings, doorways and windows.

In the case of the Civic Offices, there is **one** designated smoking area. This is in car park 1, near the compactor, away from the main building. Smokers must not use the area under the nearby fire escape as this is too close to the building and allows smoke to enter offices. Most importantly, employees are not permitted to smoke outside the front of the Civic Offices.

At the Civic Offices, vaping is permitted in any area to the rear of the buildings that is at least 2 metres away from building entrances and windows. Vaping is also permitted in the underground car park away from doorways and work areas.

### **3.2 Staff and Councillors**

Staff and councillors are only permitted to smoke or vape in unenclosed designated areas. This applies to councillors while they are on Council premises, and to staff whilst they are at work, including whilst on official breaks, (e.g. lunchtime). Smoking and vaping breaks during contracted working hours are permissible and, if taken, must not be excessive. These breaks will be monitored by managers and must not disrupt the day-to-day operational working of the service or team. Any smoking or vaping break taken must be deducted from the employee's contracted hours or flexi balance and the deductions recorded on the employee's Time Recording Sheet.

### **3.3 Vehicles**

- (i) smoking and vaping are not permitted under any circumstances or at any time in vehicles owned or leased by the Council;
- (ii) smoking and vaping are not permitted in private cars owned or leased by employees or councillors at times when they are used to carry other employees, councillors, contractors, visitors or any other members of the public on Council business.

For the avoidance of doubt the views of the occupants of any of the above-mentioned vehicles are immaterial to the application of this policy.

### **3.4 Visiting clients or staff in their home**

Employees visiting clients or staff (on Council business) in their home are not directly covered by the Health Act. This means that clients/staff are not required to refrain from smoking at home whilst being visited by an EFDC employee. However, under this policy employees must not smoke or vape whilst visiting a client/other member of staff, even if the client/staff member is smoking or vaping.

Employees visiting clients or staff (including other members of the household) who smoke or vape at home may make a request to the client that all

household members refrain from smoking and vaping during the visit. They may also ask the client to provide adequate ventilation, for example, in the form of open windows or that the visit takes place at an alternative venue. Such requests must be made sensitively, and the client may refuse to comply. If this is the case the interviewer is given the discretion to terminate the interview if other reasonable arrangements cannot be made for the interview to take place elsewhere in a smoke and vapour free environment.

### **3.5 Charging e-cigarettes and other electronic nicotine delivery systems**

E-cigarettes and other electronic nicotine delivery systems must not be charged via Council owned computer equipment.

### **3.6 Support for those wishing to stop smoking**

Information on stopping smoking with support from local cessation services is available from the following:

#### **NHS Smokefree**

National Helpline: 0300 123 1044

Website <http://www.nhs.uk/smokefree> for quit kits, email, app, text messaging and in person support

Twitter @nhssmokefree, or on facebook

You Tube: smokefreevideos

#### **ACE Stop Smoking Service**

Services delivered on behalf of Essex County Council by Anglian Community Enterprise.

Tel: 0800 022 4542

Text: 07860 025327

Website <http://www.acecic.co.uk>

Twitter @ACECIC, or on facebook

#### **Quit**

Tel: 0800 002200

Website [www.quit.org.uk](http://www.quit.org.uk)

Twitter @QUITsaves\_lives

From time to time the Council may promote its own smoking cessation initiatives in conjunction with its Occupational Health Service provider.

#### **4. Implementation of this Policy**

Staff, councillors, contractors, members of the public and volunteers are personally responsible for complying with this policy. Day-to-day responsibility for implementation lies with Directors. To ensure that everyone understands that smoking and vaping are only allowed in designated external areas, clear signs will be displayed.

Any member of staff refusing to observe the policy by smoking or vaping in unauthorised areas will be liable to disciplinary action in accordance with the disciplinary procedure.

All staff have a role to play in enforcing the policy and are required to report to their manager any observed or reported breaches. If a member of the public refuses to stop smoking or vaping in a designated no smoking or vaping area they should be asked to leave the premises and informed that the Council will refuse to deal with them whilst they are in breach of the smoking and vaping ban.

In the event of a breach of the policy by a visitor (for example from another organisation), they should be asked to desist and to extinguish all smoking materials and be informed of the availability of external smoking and vaping areas. If they continue to smoke or vape the matter should be referred to the appropriate manager. In the event that staff or visitors continue to breach the policy, the person/organisation should be advised in writing of the consequences of breaching these requirements by the Manager.

#### **5. Review of this Policy**

This policy will be reviewed by April 2017.