

## SMOKE FREE WORKPLACE

### 1. INTRODUCTION

The Health Act 2006 made it illegal to smoke in all enclosed workplaces and public spaces in England with effect from 1 July 2007

### 2. THE LEGISLATION IN OPERATION

The legislation applies to all County Council enclosed buildings and related areas. Smoking is not permitted in any vehicle owned or provided by the County Council, or in any other vehicle when transporting colleagues or customers on official WCC business. No smoking signs must be displayed in workplaces and vehicles.

This policy also extends to the use of E cigarettes

Employees who wish to smoke should do so in their own time i.e. within flex-time arrangements or during agreed breaks. Employees must ensure that they smoke off site or in designated areas and that they always maintain a reasonable distance (e.g. more than 5 meters) from exits, entrances and open windows to ensure that they do not expose others to tobacco smoke.

### 3. THIRD PARTY PREMISES

Some Council employees are required to visit or work at other premises in the community and in people's own homes as part of their duties. These venues may not be covered by the Act. The Council cannot therefore control smoking on these premises but still has a duty of care to its own employees.

Where appropriate, customers or partners should be asked to consider refraining from smoking when members of staff are present. There may still be occasions where managers will need to undertake a risk assessment to ensure that all reasonable steps are taken to protect employees from exposure to tobacco smoke.

### 4. HELP FOR THOSE WHO SMOKE

Information and guidance for those wishing to give up smoking can be found on the [Health and Safety Intranet pages](#) and the [Warwickshire Quit4good](#) website <https://quit4good.warwickshire.gov.uk/> Alternatively information can be found on the [NHS Smokefree website](#) (<http://smokefree.nhs.uk>).

### 5. DISCIPLINARY ACTION

Employees who fail to comply with the smoke-free workplace legislation will be subject to the Council's disciplinary procedures as well as to any sanction that may be applicable under criminal law. Advice in relation to specific cases should be sought from the HR Advisory Service.

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