

## Smoking and Smoke Free Workplace Policy

### 1. Aim

- To provide a working environment conducive to improving health and productive working;
- To ensure that the County Council presents a positive image to visitors and members of the public;
- To ensure that the County Council complies with legislation regarding smoke free workplaces.

#### **Who can help:**

Headteachers/ line managers can contact HR Professional Support for advice on 033022 22422 or email [HR.Professional.Support@westsussex.gov.uk](mailto:HR.Professional.Support@westsussex.gov.uk)

### 2. Scope

This policy applies to all WSCC workplaces, employees, clients, visitors (including contractors) with the exception of schools and residential homes, where there will be specific tobacco smoking and smoke free policies. Schools and residential homes are required to have their own smoking and smoke free policies and the senior workplace manager (and Governing Body in schools) must incorporate the requirements of the law into their local policy.

### 3. Background

Smoking tobacco is a major cause of illness and early death and affects non-smokers through passive smoking.

The laws prohibiting smoking tobacco made under The Health Act 2006 require that enclosed or substantially enclosed workplaces and enclosed or substantially enclosed public places are smoke-free. The person responsible for the day to day operation of a premises has the responsibility to maintain local arrangements that ensure compliance with this policy.

#### **Support for giving up smoking**

WSCC is committed to helping employees improve their health, and as such discourages the smoking of tobacco products.

Staff wishing to give up smoking tobacco can obtain advice and assistance from the Smoke Free West Sussex 0300 100 1823 and the [West Sussex Wellbeing](#) websites. Staff may also seek permission from their manager to attend local smoking cessation clinics during working hours. Employees can use flexible working arrangements, but it must be agreed with their line manager to ensure that it does not adversely impact on the service provided by the team.

Appendix 1 shows the locations of the nearest free stop smoking services to 3 of the main WSCC buildings.

### 4. Application of the policy

All employees are responsible for complying with this policy along with any local arrangements in the place that they are working or visiting. Whilst on WSCC sites, employees, visitors, contractors etc. must not:

- smoke tobacco inside enclosed or substantially enclosed<sup>1</sup> workplaces and enclosed or substantially enclosed public places;
- Smoke tobacco in vehicles used by members of the public or a section of the public<sup>2</sup>, or in vehicles used for work purposes<sup>3</sup> by more than one person, even if those persons use the vehicle at different times, or only intermittently;
- Smoke tobacco in any private vehicle carrying a person under the age of 18.

Additionally, staff should not smoke tobacco in the immediate area (e.g. within 10 metres) of WSCC workplaces such as doorways, porches, verandas, balconies and rooftop areas.

## Signage

If you control the use of a workplace<sup>4</sup> or building accessed by members of the public, you must ensure that a sign of A5 size is posted prominently at each entrance to the workplace and maintained in good condition. The sign<sup>5</sup> must display the prohibition of smoking tobacco symbol and contain the words "No smoking - It is against the law to smoke in these premises."



Where a door, corridor or passage goes from one smoke-free premises into another, or at a secondary entrance to a smoke-free premises, that is used only by people who work there, then just a 70 mm no-smoking symbol alone, prominently displayed at this entrance, is sufficient.

## Vehicles

You should not smoke tobacco in WSCC pool cars, or in any other vehicle, while being used for work purposes, which is shared by other staff or service users.

All WSCC vehicles used by members of the public or a section of the public, or used for work purposes by more than one person, even if those persons use the vehicle at different times, or only intermittently, must have a 70 mm diameter sign displaying the prohibition of smoking symbol in a prominent position in each compartment of the vehicle so that the sign(s) can be seen clearly by all occupants.



If you are using your own car for business purposes and that Vehicle is used primarily for private purposes, you are not required to display a No-Smoking sign.

## **If I choose to continue to smoke tobacco, where can I smoke tobacco products?**

Employees choosing to smoke tobacco are permitted to leave the workplace to do so. Employees who take time away from their workplace to smoke tobacco, are expected to be sensitive to any impact this may have on other members of their team and to be reasonable about the frequency and duration of their time away from their workplace. If you do not comply with this policy, you may be subject to disciplinary action.

<sup>1</sup> A substantially enclosed place has a roof or ceiling and more than 50% of the sides can provide protection from the elements. e.g. most bus shelters are a substantially enclosed workplaces or public places.

<sup>2</sup> e.g. a mini bus or other vehicle which is used for transporting people to and from home/care location or school

<sup>3</sup> The law excludes vehicles used primarily for private purposes from this prohibition.

<sup>4</sup> This is the facilities manager for buildings that are corporately facilities managed, or the senior workplace manager in all other cases.

<sup>5</sup> 'Home-produced' signs are acceptable provided they are durable, the correct dimensions, and comply with the images shown. Copies of the signs are available from [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk); they can be printed in colour and then laminated.

Managers are responsible for ensuring that employee work time is used appropriately. Any abuse will be addressed by the line manager, drawing on the Disciplinary Policy where appropriate.

Search The Point for Where can I smoke? For WSCC workplaces that are not the main hub offices, arrangements may be made locally that will designate outside areas where people may smoke tobacco. Outside areas must be provided with waste bins appropriate for receiving discarded smoking materials. If you choose to smoke tobacco away from the designated area, employees should not smoke tobacco in the following places:

- near to the storage or use of flammable materials;
- close to entrances to the workplace, porches, on verandas, balconies, and rooftop areas;
- where smoke could drift into food preparation areas;
- where smoke could drift through open windows and cause a nuisance to people inside the building; and
- areas where there is a "No Smoking" sign displayed.

Care must be taken to extinguish cigarettes and ensure that litter is disposed of properly.

#### 5. Electronic or Vapour cigarettes

An electronic cigarette, (also known as an e-cigarette, vapour cigarette or an e-cig), is an inhaler which simulates the act of smoking tobacco. They are often marketed as a smoking cessation aid or tobacco replacement. Public Health England have stated that the use of these vapour devices is 95% safer than smoking tobacco.

West Sussex Stop smoking services offer support for those who are using e cigarettes in an attempt to quit.

Even though electronic cigarettes are not covered by the smoke free legislation, to avoid confusion, by giving the impression that smoking is permitted, the Council's policy is that these devices must not be used in enclosed or substantially enclosed workplaces and WSCC controlled enclosed or substantially enclosed public places. You should not use these devices in WSCC vehicles used by members of the public or a section of the public or used for work purposes by more than one person, even if those persons use the vehicle at different times, or only intermittently.

#### **Safety Warning**

These E Cigs or other similar devices use a battery to heat up and vaporise the chemicals. Some units have a USB connection, which when plugged in, recharges the battery.

If you plug your E Cig into your computer to charge it, there is a danger that some E Cig battery packs can rupture and set light to flammable material up to 2 meters away.

Therefore, you should not charge your E Cigarette from a USB socket in any WSCC computer unit. You may be liable for any damage to furniture or to your computer equipment if you use your USB port in this way.

## Appendix 1

The nearest stop smoking service providers to three of the main Hub Offices

- County Hall Campus, Chichester, there is a service within walking distance at Boots 10 – 12 North Street
- County Hall North Horsham, there is a service within walking distance at Superdrug, 35-37 Swan Walk, or Sainsbury's Pharmacy, 7 Worthing Road
- Centenary House Durrington, there is a service within walking distance at Lloyds Pharmacy, 14 The Strand. Also, slightly further away but still within a short drive is Tesco Extra pharmacy, New Rd.