



SMOKE FREE POLICY (2022)

1.0 INTRODUCTION

The Association recognises, as an employer, it has a duty under the Smoking, Health and Social Care (Scotland) Act 2005 the Health and Safety at Work Act 1974, the Workplace (Health, Safety and Welfare) Regulations 1992, the Safety & Health of Pregnant Workers Act and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 to ensure, that so far as is reasonably practicable, its working environment for all employees is healthy and safe.

This policy has been introduced as the Association's response to the above legislation as well as its duty of care for the health and welfare of all employees and customers.

It is acknowledged that passive smoking is both a public health hazard and a welfare issue.

2.0 LEGAL FRAMEWORK

✓ **Smoking, Health and Social Care (Scotland) Act 2005**

This legislation imposed a total ban of smoking in most public premises, workplaces and work vehicles;

There are no legal obligations placed on employers to provide smoking facilities in any premises excluded from the Act.

✓ **Health and Safety at Work Act 1974**

This act imposed a general duty on employers to ensure health, safety and welfare at work for their employees or workers. As a result, employers must resolve complaints from their employees or workers about their health and welfare being put at risk from working in a smoky environment.

✓ **Health and Safety (Workplace) Regulations 1992**

These regulations required employers to ensure that there are arrangements in place to protect non-smokers from discomfort caused by tobacco smoke in rest areas.

3.0 POLICY PRINCIPLES

This smoke free policy:

- ✓ Has been produced in response to the Association's duty under the Smoking, Health and Social Care (Scotland) Act 2005;
- ✓ Guarantees all employees, workers, contractors, customers, visitors, staff from other agencies, governing body members and members of the public, air free of tobacco smoke within all premises of the Association;

- ✓ Prohibits smoking throughout the working premises;
- ✓ Details how the Association will deal with non-observance of smoking restrictions in relation to workers, customers, visitors and contractors;
- ✓ Offers a voluntary support for employees who smoke in their cessation effort and discusses the prevalence of new smoking cessation aids such as electronic cigarettes.

4.0 DEFINITION OF PASSIVE SMOKING

Passive smoking is described as when smokers and non-smokers share the same room and non-smokers cannot avoid inhaling some of the smokers' tobacco smoke.

The type of smoke inhaled is defined in two ways:

- ✓ 'side stream' – smoke from the burning end of a cigarette, cigar or pipe tobacco, and
- ✓ 'mainstream' – smoke which has been inhaled and then exhaled by the smoker.

Both of these are dangerous and various studies have shown that they can cause lung cancer and heart disease, as well as many other illnesses and minor conditions.

5.0 POLICY CONDITIONS

Smoking is not allowed throughout the office premises.

Anyone who wishes to smoke must do so outside, although this should not take place next to windows and doors which may allow smoke to enter the office.

Staff are only permitted to smoke during breaks or at lunchtime i.e., not whilst "on duty."

This policy not only refers to staff but equally to Committee Members, visitors, customers, contractors or anyone else with a reason for accessing our working environment.

In addition to the no smoking policy in the Associations office premises smoking is also not permitted for employees in the following situations:

- ✓ in clients' premises, vehicles owned, leased or hired by the Association;
- ✓ employees own vehicles while transporting colleagues, clients or visitors on Association business

Where employees are exposed to passive smoking out with the Association's premises or vehicles whilst on Association business, they will be entitled to request a smoke free environment in which to continue their business.

Where no such environment is available, the employee will be entitled to cease work within the area in question. In such circumstances, the employee will report the situation to their departmental manager as soon as possible who will take the appropriate action.

6.0 COMPLIANCE

No smoking signs will;

- ✓ be clearly displayed in the following locations;
 - ❖ at the entrance to our office
 - ❖ in prominent positions on each floor;
- ✓ state that the premises are 'no smoking' and that it is an offence to smoke there or knowingly to permit smoking there;
- ✓ display the international 'no smoking' symbol;
- ✓ display the name of the person to whom a complaint may be made by anyone who observes someone smoking.

No smoking signs will be displayed in vehicles used on Association business which;

- ✓ states that the vehicle is 'no smoking' and that it is an offence to smoke there or knowingly to permit smoking there;
- ✓ displays the international 'no smoking' symbol;
- ✓ display the holder of a particular post to whom a complaint may be made by anyone who observes someone smoking;
- ✓ The Association will not hold tobacco-related investments, or accept sponsorship or donations from tobacco companies.

7.0 NON-COMPLIANCE

Any person not complying with the ban commits an offence towards the Association as well as the law. It is therefore our intention to enforce this policy and impose sanctions on people that choose not to comply with it.

Anyone that refuses to comply with our Smoke Free Policy will be asked to leave the premises immediately. Further refusal will result in the withdrawal of our services to customers, barring the visitors from visiting our premises and withdrawal of contracts with individual contractors as well as informing their employers of their non-compliance. Persistent refusal will trigger an application of our normal procedure for dealing with antisocial behaviour.

Committee members who refuse to refrain from smoking in accordance with the Smoke-Free Policy would be dealt with in accordance with their Code of Conduct.

8.0 CESSATION SUPPORT

The Association recognises that passive smoking adversely affects the health of all employees. However, it does recognise that the smoking policy can impact on smokers' working lives.

In an effort to help employees adjust to the changes they will be supported through:

- ✓ being encouraged to seek advice on modifying their smoking behaviour or stopping smoking;
- ✓ provision of self-help information being made available;

- ✓ information on advice and support being made available from Health Promotions, smoking cessation clinics and Smokeline 0800 848 484;
- ✓ periodic campaigns which will be undertaken to encourage smokers to stop and to publicise the support available;
- ✓ time-off during working hours to obtain help with giving up smoking will be granted at the discretion of the Chief Executive.

For any of the above the member of staff seeking support should contact their Departmental Manager or the Association's Chief Executive.

9.0 IMPLEMENTATION AND ENFORCEMENT

The smoking policy applies to all employees across the Association. It is the responsibility of employees to abide by the terms and conditions of this policy.

The Chief Executive is responsible for enforcing the policy and will be trained on implementation issues. Departmental Managers are responsible for implementation within their department.

Any questions/comments/concerns/ regarding the smoking policy should be referred to your departmental manager. Breaches of the policy should be reported to the Director and will be dealt with by the appropriate personnel under the Association's disciplinary procedures.

On their appointment, all new staff members will be given a copy of this policy.

10.0 CRIMINAL OFFENCE

The Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 have been effective from 26th March 2006

From that date, a total ban of smoking was introduced affecting most public premises and work places which are wholly or substantially enclosed.

[Substantially enclosed means premises which have a ceiling or roof and walls on more than 50% of its perimeter].

This law affects the Association's workplace and vehicles and failure to comply is a criminal offence.

Individual fines for non compliance may result in a fixed fine and anyone in control of a no smoking premises could be fined a fixed penalty for either allowing others to smoke or for failure to display warning notices.

Refusal or failure to pay may result in prosecution and a fine of up to £2,500. The law is enforced by the Environmental Health Officers who can inspect any non-smoking premises unannounced and impose fines on individuals and employers

11.0 USE OF ELECTRONIC CIGARETTES

Electronic cigarettes are being widely used to aid smoking cessation. Electronic cigarettes release varying amounts of nicotine in a warm water mist, which simulates the flavour of a real cigarette. Electronic cigarettes are not covered under the Smoking, Health and Social Care (Scotland) Act 2005 as they were not in existence when the legislation was introduced.

The Association understands that there is still research to be completed on the safety and effectiveness of electronic cigarettes as a smoking cessation tool.

However, on the basis that they could cause annoyance to colleagues and be perceived as 'real' cigarettes if used in areas where there is contact with customers, along with colleagues, visitors and contractors the Association deems it inappropriate that they be used on the Association's premises.

All aspects of this policy will therefore be deemed to be applicable in relation to electronic cigarettes.

12.0 POLICY REVIEW

A formal review of the policy will be carried out at least every 5 years.

Anne Smith
Acting Chief Executive

March 2022

Policy Review Consultation

Reviewed by the HSEHR Committee on	16 th March 2022
APPROVED BY THE BOARD OF MANAGEMENT ON	31st March 2022
Date of Next Review	February 2027