

Date Issued	December 2006
Date Last Reviewed	September 2021
Department	Administration
Title	Smoke-Free Policy
Responsible	Chief Executive
Next Review Date	September 2026

1.0 Introduction

- 1.1 The Smoking, Health and Social Care (Scotland) Act 2005 came into force on 26 March 2006 allowing for the total ban on smoking in all of our premises, including vehicles owned, leased or hired by us and private cars.
- 1.2 It is a criminal offence not to comply with the smoking law. Environmental Health Officers can apply fines or prosecution to individuals and employers who fail to comply with the law. Details of premises covered by this legislation are given in **Appendix 1** and details of exemptions are listed in **Appendix 2**.
- 1.3 This policy has been developed to ensure a safe environment for all staff, customers, visitors and contractors. We believe that most people will respect our policy but have put in place procedures to deal with non-compliance (see section 5.0). Any person not complying with the ban commits an offence towards the organisation as well as the law.
- 1.4 This policy complies with the EVH Health and Safety Control Manual, section 3.11 regarding passive smoking, which states:

“Where employees are exposed to passive smoke outwith East Lothian Housing Association’s premises/vehicles while on company 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 such circumstances, the employee will report this situation to their Line Manager without delay, who will take the appropriate action”.

2.0 Our Principles

2.1 This smoking policy:

- Does not allow for anyone to smoke throughout our offices ensuring that all our workers, customers and visitors, can enjoy air free of tobacco smoke
- Has been agreed with employees to help provide a healthy, safe and comfortable environment
- Details how we will deal with those who do not comply with the smoking restrictions
- Details how we will provide support for employees who find it difficult not being able to smoke or who are trying to stop.

3.0 Policy Conditions

3.1 We have placed a total ban on smoking in all of our premises, in any common or work areas, including the vehicles owned/leased/hired by us and private cars used to transport colleagues/clients/visitors in relation to business.

3.2 Anyone who wishes to smoke must do so outdoors. Staff must not smoke directly outside the staff entrance and all time used for smoking breaks must be deducted from their timesheets. The frequency and time of each break must be kept to a minimum.

4.0 Implementation

4.1 The Chief Executive is responsible for making sure that everyone complies with this policy. The policy applies to all of our employees, as well as all visitors, customers and contractors.

4.2 The main aims of this policy will be clearly displayed at the entrance to our premises (See **Appendix 3**).

4.3 No Smoking signs will be clearly displayed as required in our premises, including in company cars.

4.4 Those employees, visitors, customers and contractors who do not comply with this Smoke-Free Policy will be dealt with under the procedures outlined at section 5.0.

4.5 Any questions/comments/concerns regarding the Smoke Free policy should be taken to the Chief Executive.

4.6 Breaches of the policy should be reported to your line manager.

5.0 Procedure for Non-compliance

5.1 We will inform all employees/workers, customers, visitors and contractors that we operate a Smoke-Free Policy in all of our premises. The displayed No Smoking signs are designed to inform and remind everyone of this.

5.2 Employees

Line Managers are responsible for enforcing this policy. Any employee who does not comply with this policy will be dealt with in accordance with our Disciplinary Procedure. For employees, a refusal to comply with a Smoking Ban will be treated as misconduct or gross misconduct. The severity of discipline will reflect the fact that non-compliance breaches not only the organisation's Smoke-Free Policy but also Health and Safety Policy and the law: the Smoking, Health and Social Care (Scotland) Act 2005.

Committee/Board Members who refuse to refrain from smoking in accordance with the Smoke-Free Policy will be dealt with in accordance with their Code of Conduct.

5.3 Customers/visitors/contractors.

Anyone that refuses to comply with our Smoke-Free Policy will be asked to leave our premises immediately. Further refusal could 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.

6.0 Support for Smokers

6.1 We recognise that passive smoking adversely affects the health of all employees. We also recognise that the Smoke Free Policy can impact on smokers working lives.

6.2 We will support employees through the activities of our Healthy Working Lives Group to help them. This includes:

- Allowing unpaid time-off during working hours to obtain help with giving up smoking, at the discretion of the line manager
- Being encouraged to seek advice on modifying their smoking behaviour or stopping
- Ensuring that supplies of self-help information are made available
- Providing information on advice and support that is available

- Undertaking periodic campaigns to encourage smokers to stop and to publicise the support available

6.3 Sources of support and their contact details are found at **Appendix 3** .

7.0 **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. Some employers have taken the view that as electronic cigarettes produce water vapour rather than smoke, they can be used indoors legally.

We understand that there is still research to be completed on the safety and effectiveness of electronic cigarettes as a smoking cessation tool. Our employees should therefore use electronic cigarettes during rest breaks in designated smoking areas. We do not deem it appropriate to use electronic cigarettes on any of our premises, as 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.

We would ask that all those that the policy applies to respect this application of the rules and do not expect any breaches of the rules to take place.

8.0 **Policy Review**

8.1 This policy will be reviewed every 5 years.

APPENDIX 1

'NO-SMOKING PREMISES' (as listed in Schedule 1 to the Regulations)

Those premises which fall within the scope of the legislation, having been classed as 'no-smoking premises', are:

1. Restaurants
2. Bars and public houses
3. Shops and shopping centres
4. Hotels
5. Libraries, archives, museums and galleries
6. Cinemas, concert halls, theatres, bingo halls, gaming and amusement arcades, casinos, dance halls, discotheques and other premises used for the entertainment of members of the public
7. Premises used as a broadcasting studio or film studio or for the recording of a performance with a view to its use in a programme service or in a film intended for public exhibition
8. Halls or any other premises used for the assembly of the public for social or recreational purposes
9. Conference centres, public halls and exhibition halls
10. Public toilets
11. Club premises
12. Offices, factories and other premises that are non-domestic premises in which one or more persons work
13. Offshore installations
14. Educational institution premises
15. Premises providing care home services, sheltered housing or secure accommodation services and premises that are non-domestic premises which provide offender accommodation services
16. Hospitals, hospices, psychiatric hospitals, psychiatric units and health care premises
17. Crèches, day nurseries, day centres and other premises used for the day care of children and adults
18. Premises used for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body
19. Sports centres
20. Airport passenger terminals and any other public transportation premises
21. Public transportation vehicles
22. Vehicles which one or more persons use for work
23. Public telephone kiosks

Cited from: Scottish Government: www.clearingtheairscotland.com

EXEMPTIONS (as listed in Schedule 2 to the Regulations)

Those premises (or part of premises) which are exempt from the legislation are:

1. Residential accommodation
2. Designated rooms in adult care homes
3. Adult hospices
4. Designated rooms in psychiatric hospitals and psychiatric units
5. Designated hotel bedrooms
6. Detention or interview rooms which are designated rooms
7. Designated rooms in offshore installations
8. Private vehicles

Cited from: Scottish Government: www.clearingtheairscotland.com

Summary of East Lothian Housing Association's Smoke-Free Policy

Purpose

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to ensure compliance with the Smoking, Health and Social Care (Scotland) Act 2005.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

Policy

It is our policy that all our workplaces are smoke-free to ensure that all our employees have a right to work in a smoke-free environment. The policy came into effect on 14 December 2006 and be reviewed at least every 5 years thereafter.

Smoking is prohibited throughout the entire workplace with no exceptions. This includes company vehicles. This policy applies to all employees, consultants, contractors, customers, Management Committee members or visitors.

Anyone who wishes to smoke must do so outdoors. Staff must not smoke directly outside the staff entrance and all time must be deducted from their timesheets. The frequency and time of each break must be kept to a minimum.

Overall responsibility for policy implementation and review rests with The Chief Executive. All staff are obliged to adhere to, and facilitate the implementation of the policy. All new staff will be given a copy of the policy on recruitment/induction.

Appropriate 'No Smoking' signs will be clearly displayed at the entrances to and within the premises.

Non-compliance

Disciplinary procedures shall be followed if a member of staff does not comply with this policy. The procedures set out in section 5 of the full version of the Smoke-Free Policy shall be followed if a customer, contractor or visitor does not comply. Those who do not comply with the smoking law are also liable to a fixed penalty fine and possible criminal prosecution.

Help to stop smoking

We will provide support for smokers who want to stop as detailed in section 6 of the Smoke Free Policy. Sources of support are:

- Smokeline 0800 848484
- Smokefree helpline 0800 022 4332
- www.canstopsmoking.com,
- www.smokefree.nhs.uk Your local GP surgery

Cited from Scottish Government: www.clearingtheairscotland.com