

Human Resources  
Goireasan Daonna

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# Smoke Free Workplace Policy

## Poileasaidh Àite-obrach Saor bho Smocadh

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## Introduction

The Highland Council is committed to maintaining the health, safety and wellbeing of its employees and all those affected by its activities. The Council recognises the health risks associated with smoking and vaping and will provide a smoke and vape-free working environment.

The Council will achieve this by prohibiting smoking and vaping within all operational buildings, including temporary structures, void premises and grounds associated with these areas. The prohibition also extends to modes of transport which are used in connection with work such as cars, buses, ferries and boats. These include Council owned vehicles, hire vehicles and privately owned vehicles used for work purposes and when carrying or likely to be carrying passengers for work purposes.

## Policy Purpose

This policy has been developed to protect all Highland Council employees from exposure to second-hand smoke from tobacco-based products as well as nicotine and non-nicotine vapour products (vapes).

The purpose of this policy is to outline expectations with regards to where an employee can smoke or vape and how to take preventative measures or controls to minimise exposure to tobacco based and vaping products.

The application of this policy will support the Highland Council to achieve compliance under regulations such as the Health and Social Care (Scotland) Act 2005, and The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 which prohibits smoking in most enclosed public places.

## Who is this policy for?

This policy applies to all employees of the Highland Council, casual workers, agency Workers, visitors and contractors attending premises owned or occupied by the Highland Council.

# Policy in Practice

## Definitions

**Council premises** – any operational building, including temporary structures, void premises and grounds associated with these areas and all modes of transport which are used in connection with work such as cars, buses, ferries and boats.

**Electronic vaping device (e-cigarettes)** – battery operated devices which heat a liquid to create an aerosol which is inhaled. These typically contain nicotine, flavourings and other chemicals. The term 'E-cigarettes' and 'vapes' refer to the same thing and may be disposable, refillable or pre-filled devices.

**High risk groups** - those who have an increased risk of ill-health from smoking or second-hand smoke, for example pregnant women, people with asthma or other respiratory or allergenic disorders, or those with other health issues.

**Second-hand smoke (passive smoking)** – vaping residue, or smoke from a lit cigarette or breathed-out from a smoker is known as 'second-hand smoke' or 'environmental tobacco smoke'.

**Smoking** - includes all tobacco-based products as well as nicotine vapour products (electronic cigarettes and vapes) regardless of their contents.

## Roles and Responsibilities

All employees have a duty to take reasonable care of their own health and safety and that of their colleagues or any other person that they come into contact with during the course of their work. Employees should not smoke or vape whilst undertaking work duties in or near the workplace.

### Employees should:

- be aware of and comply with the Smoke Free Workplace Policy and follow any associated guidance
- undertake any reasonable management requests related to smoking or vaping
- make visitors, customers or contractors aware of this Policy when meeting or welcoming to any Highland Council premise

- dispose of cigarette and vaping products responsibly, for example in accordance with manufacturers recommendations, ensuring not to create an environmental, health, safety or fire risk due to unsafe disposal
- be aware that [Unauthorised Absence](#) from work (e.g. leaving the workplace without permission for smoking, vaping or other purposes) is viewed as misconduct and may be dealt with under the Highland Council's [Disciplinary Procedures](#) report any genuine concerns or breaches of this Policy in relation to smoking or vaping at work discreetly with their manager
- be aware of supportive resources such as smoking cessation information available through the [Employee Assistance Programme](#) and [Quit smoking - NHS](#)

### **Managers should:**

- familiarise themselves with this Policy and any associated guidance applying an open, fair and consistent approach to managing smoking at work
- ensure all employees are informed of the policy and how it is implemented
- actively discourage staff from smoking or vaping whilst working and take appropriate action to prevent smoking or vaping in or near any Council premises
- create a workplace culture which enables an employee to report concerns relating to smoking or vaping
- undertake a risk assessment where an employee is at risk of exposure to second-hand smoke during home visits and consider appropriate controls which would prove effective in reducing exposure
- signpost to additional resources where an employee has a concern about their own health, for example the [Employee Assistance Programme](#) or [Quit smoking - NHS](#)

In addition, managers of transport vehicles should ensure that 'No Smoking or Vaping' stickers are affixed and visible within Council vehicles at all times.

### **Responsible Premises Officer's (RPO) should:**

- ensure that adequate signage is displayed across all premises indicating that it is a smoke and vape-free area
- designate and communicate smoking and vaping areas following consultation with facility management, property and the OHSW fire safety officers.

## **Policy Principles**

Under existing legislation, smoking or vaping in enclosed public spaces is a criminal offence. The Council prohibits smoking or vaping when undertaking work duties and

when on Council premises. Failure to comply with this policy will be dealt with in accordance with the [Disciplinary Procedures](#)

## Breaks

Entitlement to breaks is based on the hours worked per day. The same rules apply to both smoking and non-smoking employees. Employees are therefore not entitled to take additional breaks for smoking during the working day.

## Working from Home

Whilst employees are not prohibited from smoking or vaping when working from home, if they are undertaking work duties such as virtual meetings or if colleagues or visitors are invited into their home for work purposes, smoking or vaping is not permitted.

## Home Visits

The legislation does not apply to domestic premises. Employees who visit customers in their homes may still be exposed to second-hand smoke. The frequency and extent of exposure in such circumstances is impossible to determine.

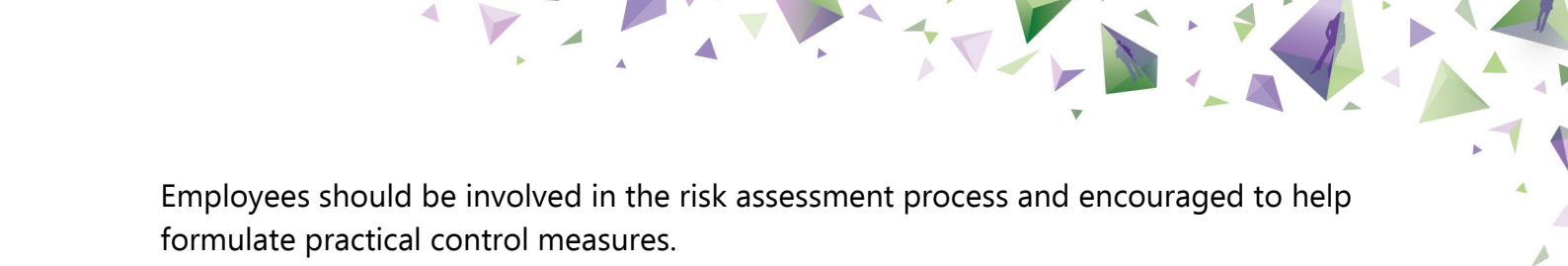
When arranging home visits, Services are encouraged to advise customers in advance that they should refrain from smoking for the whole duration of the visit and for at least 1 hour before the visit. This notification should be in the form of a letter, email, verbal or other such communication.

Where employees are concerned about customers smoking in their presence, they can ask that they refrain from smoking, smoke elsewhere or open a window to reduce the effects of second-hand smoke during the time the employee is in the house. Where customers refuse to refrain from smoking, employees may withdraw from the area until they feel it is safe to return.

## Risk assessment

In all cases where employees could be exposed to second-hand smoke, a [Risk Assessment](#) must be undertaken to determine:

- the extent of exposure
- the likely risks to health
- whether additional controls are necessary to reduce or eliminate exposure.



Employees should be involved in the risk assessment process and encouraged to help formulate practical control measures.

High risk groups (for example pregnant women, people with asthma or other respiratory or allergenic disorders, or those with other health issues) should be identified during the risk assessment process. Specific risk mitigations may be required to eliminate or reduce these risks.

## **Charging of electronic cigarettes and vaping products**

It is not permitted to charge electronic cigarettes, vaping products or any other associated products in Council premises. Breaches of this ban may be subject to the Council's [Disciplinary Procedures](#)

## **Equality and Diversity**

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of The Highland Council, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).

## **Guidance**

Guidance, information and tools relating to the management of this policy have been developed and will be maintained in accordance with the Highland Council Partnership Framework. Guidance, procedures and associated documentation can be found on the HR Microsite – see [Quick Links](#) below.

## **Legislation**

The development and application of this policy is guided by:

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2008
- Smoking, Health and Social Care (Scotland) Act 2005
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
- The Management of Health and Safety at Work Regulations 1999
- The Health and Safety at work etc Act 1974

- The Control of Substances Hazardous to health Regulations 2002
- The Fire (Scotland) Act 2005
- The Fire Safety (Scotland) Regulations 2006

## Monitoring

The application of this policy will be monitored through the Highland Council Partnership Framework and the Corporate Resources Committee.

## Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

[HR Microsite](#)

[Employee Assistance Programme](#)

[Disciplinary Procedures](#)

[Quit smoking - Better Health - NHS](#)

[Unauthorised Absence Guidance](#)

[Risk Assessment](#)



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