

Control of Smoking and Vaping at Work Policy

Document Control

Title	Control of Smoking and Vaping at Work Policy
Document Type	
Author	
Owner	Human Resources
Subject	
Date Created	8 June 2023
Approval Date	22 June 2026
Review Date	June 26

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1. Aim

Bury Council recognises the adverse impact on health caused by direct and secondhand smoking in the workplace and are supportive of the Government's commitment to eradicating the harmful effects of tobacco smoking and secondhand smoke which now includes the provision to make enclosed public places and workplaces smoke-free.

This Policy details the restrictions and arrangements/facilities around smoking and vaping at work, together with support available for employees.

2. Definition

The word 'smoking' throughout this Policy includes the use of all types of tobacco/herbal tobacco, cigarettes pipes and cigars.

The word 'vaping' throughout this policy means the use of any type of electronic cigarette device.

The use of electronic cigarettes is to be regarded in the same way as tobacco cigarettes (i.e. they are not permitted to be used in any work related setting).

3. Scope

This Policy applies to employees, elected members, members of the public, contractors and others working, visiting or using Council premises or vehicles. It forms part of the Council's Health and Safety arrangements and is recommended to schools for adoption by each governing body. (Specific guidance is also available to support the [development of school policies on vaping](#)).

The Policy applies to all Council-run meetings which Council employees attend as part of their work.

The Policy relates to the actions of employees during the course of their work, irrespective of location.

4. Principles

The Health and Safety at Work Act 1974 gave employers a duty of care to ensure the health, safety and welfare at work of all their employees and the Workplace (Health, Safety and Welfare) Regulations 1992 specifically placed a duty on employers to ensure that non-smokers were not affected by tobacco in rest rooms or rest areas.

The Smoke-free (Premises and Enforcement) Regulations 2006 requires all employers to provide smoke-free workplaces for employees.

The smoking ban applies in all enclosed or "substantially enclosed" public places and workplaces and vehicles used for work.

5. Approach

Except where specifically described within this Policy, smoking/vaping is not permitted within any of the Council's buildings or in any part of the Council's premises, within the entrance area to Council owned buildings or on land adjacent to the building (car park, garden area, walkway etc.) where this forms part of the premises. These restrictions also include Civic Suites.

Similarly, except where specifically described within this Policy, smoking/vaping is not permitted during working time, irrespective of work location.

6. Detailed Guidance

Workplace Arrangements:

No employee is allowed to smoke/vape during paid working time; this includes employees working outdoors and working from home. When on a smoking/vaping break, employees should not be easily identifiable as a Council employee; i.e. where appropriate they should ensure their uniform is covered when smoking/vaping.

It is not permitted for any employee on duty in any Council place of work to open any doors or windows for the purposes of smoking/vaping.

Smoking and vaping should be limited to breaks (including lunch breaks) and should be appropriately logged via the flexi-sheet system where relevant.

Short stay residences, sheltered housing and clients' homes:

In the Council's short stay residences, residents aged over 18 are permitted to smoke/vape in a designated room. Designated areas will be provided with suitable extraction equipment to minimise the effect on staff working at those establishments and employees working within these premises will be offered an annual health check.

Within Sheltered Housing residents are allowed to smoke/vape in their own flats and will be encouraged to purchase and use a reasonable extractor. There will be no smoking/vaping in communal areas.

Employees who work within establishments during the night are not permitted to smoke/vape during working hours. It is acknowledged that for some employees this may present difficulties and the council will provide support to overcome this on an individual basis.

Employees are not allowed to smoke/vape in people's homes where they are working or visiting. This includes during any break in their work or at the end of the working day.

Vehicles:

The smoking/vaping ban applies to all Council vehicles.

Employees are asked to refrain from smoking/vaping in their own vehicles, when used on Council business and when carrying passengers.

Smoking/Vaping Breaks:

No facilities for smoking/vaping will be provided within any of the Council's buildings, however, the Council does acknowledge that smoking is an addictive habit, and subject to service requirements and levels of cover, smokers/vapers will be permitted to leave their place of work for a smoking/vaping break. Employees; including those working outdoors; will need to seek approval before taking a smoking break and all will be treated as an unpaid authorised absence from the workplace.

Smoking/vaping breaks must be appropriately recorded and deducted from working time. In some social care establishments flexi-time does not apply and there may be no provision for official breaks. In these circumstances where there is a team agreement for unofficial breaks e.g. a tea break, the Manager should put a system in place that allows this to be controlled and reasonable, ensuring staffing levels are maintained. If such a system exists, those wishing to smoke/vape should do so during their unofficial break and not in addition to it.

In all cases where employees take official or unofficial smoking/vaping breaks they must fulfill their contractual hours.

The duration and frequency of smoking/vaping breaks must be agreed between the smoker/vaper and their manager, as acceptable levels will vary from service to service, and the number of smokers. In any event authorised absence from work will not be permitted for smoking/vaping within one hour of starting/finishing work or within one hour of starting/finishing a lunch break.

Designated Smoking/Vaping Areas:

Designated smoking/vaping areas can be identified outside the confines of the actual building but within the grounds of the premises in the following cases where:

- a management assessment identifies a risk to the personal safety of employees if they leave the grounds of the Council premises where they work to have a smoking/vaping break
- or**
- where employees work in a social care setting and are taking an unofficial smoking/vaping break but are still on duty and must respond to any requests or notification to return to their duties

Designated smoking areas must be compliant with legislation, be out of view of the public, and be provided with a bin by the Council for disposal of any waste material. Employees smoking/vaping within designated areas should ensure that waste is disposed of appropriately without littering.

Help with Smoking Cessation:

The Council will support employees wishing to give up smoking through Bury Live Well Service. The Live Well Service can be contacted via:

[Live Well Website](#)

[Referral page](#)

Telephone: 0161 253 7575

Where practicable, requests from employees to attend smoking cessation programs during working hours will be supported, subject to operational requirements and management approval. Support is also available from GPs.

Pre-Existing Medical Conditions:

It is important to identify members of staff who have a pre-existing medical condition that is made worse by exposure to tobacco smoke, such as asthma and cardio-vascular disease, and those who face additional risks e.g. pregnant women. In these cases particular care must be taken to prevent or minimise their exposure to tobacco smoke and medical advice should be sought.

Protection whilst working in or visiting other people's homes:

Employees can be required to work in or visit people's homes in the course of their duties. As private dwellings are not covered by the legislation during these visits staff may be exposed to the harmful effects of passive tobacco smoke.

It is expected that a smoke free environment will be provided whilst a Council employee is visiting a private home in the course of their official duties. Therefore, smoking by the client or others who may live in the house/accommodation (including visitors) should not take place immediately before or during this time and clients should be informed of this requirement at their first contact or assessment. Standard appointment letters, forms and other relevant correspondence should ask that, in preparation for the visit, any smokers at the property should: -

- Avoid smoking inside their home for at least one hour before their appointment time
- Fully open windows and doors to ventilate the area where the employee will be working
- And also that, during the visit, they should:-
- Not smoke/vape or let anyone else smoke/vape in the area
- Wherever possible ask others to go outside to smoke/vape whilst the employee is present
- Clients should also be informed that the employee will decide whether to leave their home if these requests are not met.
- If it is a statutory or essential service that must be provided, and the provisions outlined above are not met, the following alternative strategies should be explored:-
- Where possible agree to meet at an alternative smoke/vape free venue
- Encourage the client to limit their time smoking/vaping whilst the employee is in their home
- Where exposure to continues, managers should limit the employee's exposure by restricting the amount of time they spend on visits

For staff contracted to work long shifts in service users' homes, a risk assessment should be carried out and the following steps taken to minimise the risk of secondhand smoke:-

- Where possible to negotiate and designate a smoking/vaping room which can be used by the smoker/vaper when employees are present
- Where possible the employee should leave the room if the service user is smoking/vaping
- If this is not possible employee may request increased ventilation in the room by opening a window/door
- The service user should be asked to limit the number of times they smoke/vape whilst the employee is in their home
- The service user to be asked to consider the purchase of a reasonable extractor

If exposure is still unacceptable, reducing the amount of time that any one employee spends there must be considered.

If 24 hour care is provided in a service users' home staff should be made aware before the appointment that the nature of the work may result in exposure to secondhand smoke and that steps will be taken to minimise this exposure.

If none of the above measures can be implemented then, as a last resort, consideration should be given to withdrawing employees from an unsuitable working environment.

The smoking/vaping status of a client should be recorded and issues involving the homes and cars of clients/service users who smoke/vape should be discussed and documented appropriately to ensure employees have prior warnings before future visits.

It must be ensured that Council employees who smoke/vape are treated in the same way as non-smokers when allocating client/service users who are smokers/vapers.

Smoking or Vaping when working from home:

As we support employees to work with agility, a greater number of staff are working from home far more than they did in the past. We encourage meetings take place via Teams to enable colleagues to stay in contact and feel connected.

When working at home, rules around smoking or vaping in work (as detailed within this document) still apply. When attending meetings via Teams, employees should maintain the same professional standards as they would if they were attending the meeting face-to-face. Under no circumstances should employees attend meetings via Teams whilst smoking or vaping; employees must consider the professional nature of their interactions at all times, whether interactions take place virtually or face-to-face.

7. Evaluation and Measures of Success

All managers are responsible for ensuring that the Council's approach to smoking/vaping at work as outlined in this Policy is adhered to and all employees can enjoy a smoke/vape free working environment. Complaints or requests in relation to this should be dealt with appropriately and notes should be retained.

Breaches of this policy will be dealt with under the Council's Disciplinary Procedure.

Employees who raise genuine concerns about breaches of this policy will be supported. Staff are authorised to ask non-employees who breach the policy to leave the premises.