Bury Council

Control of Smoking and Vaping at Work Policy

December 2026

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1. Aim

~~Bury Council recognises the adverse impact on health caused by direct and second-hand smoking in the workplace and are supportive of the Government's commitment to eradicating the harmful effects of tobacco smoking and second-hand 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.~~

Bury Council recognises the adverse health effects of smoking and exposure to second-hand smoke, and supports national initiatives aimed at reducing smoking-related harm.

This policy sets out the Council's arrangements, expectations and restrictions relating to smoking and vaping in the workplace, together with information on the support available to employees who wish to stop smoking, vaping, or reduce their tobacco use.

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).~~

For the purposes of this policy, 'smoking' includes the use of all types of tobacco products, including any cigarettes, cigars and pipes.

'Vaping' refers to the use of electronic cigarettes (e-cigarettes) and other electronic vaping devices.

Vaping is subject to the same restrictions as smoking and is not permitted in any work-related setting where smoking is prohibited.

Please note: Employees should note that the sale and supply of single use (disposable) vapes has been prohibited in the UK since 1 June 2025.

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.~~

~~This is a workforce policy and the Council makes no comment or judgement on the actions of individuals outside of working time in relation to smoking or vaping.~~

This policy applies to all employees, elected members, contractors, agency workers, visitors, members of the public and any other individuals working, visiting, or using Council premises or vehicles.

It forms part of the Council's Health and Safety framework and is recommended for adoption by schools and other educational settings.

The policy applies to all Council-operated meetings attended by employees as part of their duties, regardless of location.

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

This is a workplace policy and governs smoking and vaping activities undertaken in connection with work. The Council makes no comment or judgement about employees' smoking or vaping activities outside of working time.

4. ~~Principles~~ Principles and Legislative Framework

~~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.~~

The Health and Safety at Work Act 1974 places a duty of care on employers to ensure the health, safety and welfare of employees and others who may be affected by their activities. In addition, the Workplace (Health, Safety and Welfare) Regulations 1992 require employers to provide a working environment that protects the health and wellbeing of employees.

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

The smoking ban applies to all enclosed or substantially enclosed public places and workplaces, including vehicles used for work purposes. The council enforces the same restrictions in relation to vaping.

This policy supports compliance with these legal requirements and sets out the Council's arrangements for managing smoking and vaping in the workplace.

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.~~

Smoking and vaping are not permitted in any Council building, Council-owned vehicle, or on Council premises, including entrance areas and doorways, car parks, gardens, walkways and other external areas that form part of the premises.

As a public-facing organisation, the Council recognises that employees, elected members and contractors play an important role in promoting positive health messages and creating environments where smoking and vaping are not normalised.

Maintaining smoke and vape free workplaces supports the Council's wider commitment to protecting health and wellbeing.

Unless otherwise specified and described within this policy, smoking and vaping are not permitted during working time, regardless of work location.

6. Detailed Guidance

6.1. 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.~~

Employees must not smoke or vape during paid working time. This applies to all employees regardless of work location, including those working outdoors or working from home.

Smoking and vaping should be restricted to authorised breaks. Where applicable, time taken for smoking or vaping breaks must be recorded in accordance with local flexi-time arrangements.

Employees taking a smoking or vaping break should ensure they are not identifiable as Council employees. Where appropriate, Council uniforms, ID badges and other Council-branded clothing should be covered.

Employees must not open doors, windows or other access points to Council buildings for the purpose of smoking or vaping.

6.2. 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.~~

Residents aged 18 and over in Council-operated short stay residential settings may smoke or vape only in designated areas. Where designated indoor smoking or

vaping areas are provided, and appropriate ventilation or extraction measures will be in place to minimise exposure for employees.

Residents of sheltered housing are permitted to smoke or vape within their own accommodation. Residents are encouraged to use suitable ventilation or extraction measures where reasonably practicable. Smoking and vaping are not permitted in communal areas.

Employees working overnight within establishments are not permitted to smoke or vape during working time. The Council recognises that this may present challenges for some employees and will provide appropriate guidance and support where required and on an individual basis.

Employees must not smoke or vape in a client's or resident's home whilst undertaking work-related duties. This restriction applies throughout the visit, including during breaks and at the end of the working day.

6.3. 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 and vaping are prohibited in all Council operated vehicles.

Employees using their own vehicles for Council business are expected to refrain from smoking or vaping whilst undertaking work-related journeys, particularly when carrying passengers on Council business.

6.4. 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.~~

The Council does not provide smoking or vaping facilities within its buildings. However, the Council recognises that smoking is an addictive habit and, subject to service requirements, the maintenance of appropriate staffing levels and agreement from their Manager, employees may be permitted to leave their workplace to smoke or vape during authorised breaks. This also applies to employees working outdoors.

Employees must obtain their manager's approval before taking a smoking or vaping break. Time taken for smoking or vaping breaks will be treated as unpaid authorised absence and must be accurately recorded and deducted from working time where applicable.

In some social care settings, flexi-time arrangements do not apply and there may be no provision for formal breaks. In these circumstances, where arrangements allow informal breaks, managers should ensure that appropriate controls are in place to maintain adequate service delivery and staffing levels. Employees who wish to smoke or vape should do so during these agreed informal breaks and not in addition to them.

Employees are responsible for ensuring that any smoking or vaping breaks taken do not prevent them from fulfilling their contractual working hours. The frequency and duration of smoking and vaping breaks must be agreed between the employee and their manager, taking account of operational and service requirements. Acceptable arrangements may vary between services.

In all cases, authorised smoking or vaping breaks will not normally be permitted within one hour of the start or end of the working day, or within one hour of the start or end of a lunch break.

6.5. 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.~~

Designated smoking and vaping areas may be available outside the confines of a Council building, but within the grounds of the premises, where a management risk assessment has identified a need.

This may include:

- where employees would be exposed to a risk to their personal safety if required to leave Council premises to smoke or vape; or
- where employees work in a social care setting, are taking an informal smoking or vaping break, and remain on duty and available to respond to service user needs or return to their duties when required.

Any designated smoking or vaping area must comply with relevant legislation, be located away from public view where reasonably practicable, and be equipped with appropriate waste disposal facilities.

In addition to health impacts, tobacco products and vaping devices can contribute to environmental harm through litter, plastic waste and pollution.

Employees using designated smoking or vaping areas are responsible for disposing of cigarette ends, vaping materials and other related waste appropriately and must not litter.

~~**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.~~

6.6. 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.~~

The Council recognises that exposure to tobacco smoke or smoke from vaping may have a greater impact on some individuals, particularly those with pre-existing health

conditions such as asthma, respiratory conditions or cardiovascular disease, and those who may be at increased risk, including pregnant employees.

Where a health condition may be affected by exposure to tobacco smoke or smoke from vaping, reasonable steps should be taken to prevent or minimise exposure.

Where necessary, appropriate medical or occupational health advice should be sought to support the health, safety and wellbeing of the individual employee concerned.

6.7. 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 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.~~

Employees may be required to work in or visit clients' homes as part of their duties.

As private residences are not covered by smoke-free workplace legislation, measures should be taken to minimise employees' exposure to second-hand smoke and vapour.

Clients should be asked not to smoke or vape for at least one hour before a planned visit, to ventilate the area where the employee will be working by opening windows and doors where possible, and not to smoke or vape during the visit. These requirements should be communicated at the earliest opportunity through assessments, appointment letters and other relevant correspondence.

Where smoking or vaping occurs during a visit, employees should request that it stops and, where appropriate, ask that anyone wishing to smoke or vape does so outside while the employee is present. Employees may withdraw from the property where these arrangements cannot be maintained, unless a statutory or essential service must be provided. Where exposure cannot be avoided, managers should ensure that a risk assessment and management discussion are undertaken with the

employee, and appropriate measures are implemented to minimise risks and support the employee.

Where essential services are being delivered and a smoke-free environment cannot be achieved, reasonable steps should be taken to reduce exposure. These may include:

- meeting the client at an alternative smoke-free location
- increasing ventilation within the property
- encouraging the client to limit smoking or vaping during the visit, and,
- restricting the duration of visits where reasonably practicable

Where employees provide regular, extended or overnight care within a client's home, a risk assessment must be completed and appropriate control measures identified.

Control measures may include:

- Increasing ventilation
- Leaving the immediate area while smoking or vaping takes place
- Agreeing a designated smoking or vaping area within the home of the client
- Limiting the frequency of smoking or vaping while employees are present
- If possible, reducing the duration of a visit, if appropriate

Where 24-hour care is provided, employees should be made aware in advance if exposure to second-hand smoke or vapour is likely and informed of the measures in place to minimise the risk.

If exposure cannot be adequately controlled despite reasonable adjustments, consideration should be given to whether the environment remains suitable for employees to work in and whether alternative arrangements, including the withdrawal of employees from the environment where appropriate, are required.

A client's smoking or vaping status, together with any identified risks and agreed control measures, should be recorded appropriately to support future visits and ensure employees are aware of any potential exposure before attending.

When allocating work or client visits, employees who smoke or vape are not treated differently from employees who do not smoke or vape.

6.8. 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.~~

As part of the Council's agile working arrangements, employees may work from home and attend meetings virtually.

Employees are expected to maintain the same professional standards when working remotely as they would in a Council workplace.

The requirements of this policy apply equally when working from home. Employees must not smoke or vape whilst participating in work-related meetings, including virtual meetings held via Teams or other virtual platforms, and should ensure their conduct remains professional at all times.

7. Support to Stop Smoking, Vaping or using Toabacco Products

The Council promotes a supportive, non-judgemental approach to smoking cessation. Employees who smoke or vape are encouraged to access evidence-based support and will be supported to make positive health choices.
The Council recognises nicotine dependence as an addiction and encourages early access to specialist support services, please see Bury Live Well Service: **Quit smoking - Bury Council**.

Additional resources can be accessed via:

- Live Well website: Bury Live Well Service - Bury Council
- Live Well referral page: Referrals to Bury Live Well Service - Bury Council
- Telephone: 0161 253 7575

Where reasonably practicable, employees will be supported to attend smoking cessation appointments or programmes during working hours, subject to operational requirements and manager approval.

Employees may also wish to seek support from their GP or other appropriate health professionals.

8. ~~Evaluation and Measures of Success~~ Compliance and Monitoring

~~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~~

Managers are responsible for ensuring that the requirements of this policy are implemented and that employees are able to work in a smoke and vape free environment. Any concerns, complaints or requests relating to this policy should be addressed appropriately and a record retained where necessary. Employees who raise genuine concerns about breaches of this policy will be supported.

Staff are authorised to remind visitors, contractors and other non-employees of the requirements within this policy, and may ask individuals who fail to comply to leave the premises where appropriate.

Breaches of this policy by employees may be addressed in accordance with the Council's Disciplinary Procedure.

This policy supports Bury's wider commitment to creating a smoke-free generation, protecting people from the harms of second-hand smoke and improving the health and wellbeing of residents, employees and communities across the borough.

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This is a live document effective from the issue date. It supersedes any previous versions of this document, which are now withdrawn.

Bury Council