

PEN Y DRE HIGH SCHOOL



[Translation: The greatest treasure is goodness]

***NO SMOKING
POLICY***

***Reviewed and approved by Governors on
9th April 2014***

1.0 INTRODUCTION

People's attitudes to smoking are changing. Today, seven out of ten people do not smoke and of those that do, surveys show that around 70% would like to give up.

Smoking in indoor workplaces was gradually banned by the UK government between 2006 and 2007. However, Merthyr Tydfil County Borough Council has been a smoke free employer since this policy was agreed in March 2005.

The Council believes that its employees, customers, councillors and visitors have the right to a safe environment where they can breathe smoke-free air. This belief is based on sound legal, moral and economic reasons for protecting people's safety and health at work.

2.0 LEGAL POSITION

Employers have legal duties under common law and statute law to ensure the safety and health of their workforce.

The Health and Safety at Work etc. Act 1974 requires employers to provide and maintain a safe working environment. This extends to:

- protecting against the risk of fires started by people smoking at work;
- protecting employees against the harmful effects of tobacco smoke.

As well as this general duty, the Workplace Health Safety and Welfare Regulations 1992 require employers to provide rest rooms and rest areas where non-smokers are protected from tobacco smoke.

3.0 POLICY OBJECTIVES

- 3.1 To reduce the risk of fires caused by people smoking.
- 3.2 To protect employees from the adverse health effects of workplace environmental tobacco smoke.
- 3.3 To demonstrate the Council's commitment to health promotion.

4.0 POLICY STATEMENT

This policy will tackle the issue of smoking on two fronts:

- premises based - smoking will be banned in all premises under the Council's control;
- employment based – employees who are at work will not be permitted to smoke.

In terms of premises, the policy covers (but is not limited to):

- communal areas such as meeting rooms and staff rooms;
- Council Member rooms and the Council Chamber;
- Council vehicles;
- rooms staffed by only one employee;
- day-care centres and residential homes;
- leisure centres and community facilities;
- canteens and mess-rooms;
- storage areas.

In terms of people, the policy applies to:

- Councillors;
- all employees – including temporary and agency workers;
- visitors, contractors and members of the public whilst on Council premises.

- 4.1 From 9th March 2005 all places of work under the Council's control will become no-smoking areas. This includes steps, entrance-ways, exits, ramps, forecourts, porches and the immediate surroundings of all Council premises.
- 4.2 Some workplaces have always been non-smoking, for example, fuel-stores, timber stores, bottled gas compounds etc. These areas remain non-smoking.
- 4.3 Employees are not permitted to smoke whilst they are at work, *irrespective of their work location*. The definition of "at work" therefore includes employees who typically work outdoors, for instance refuse collectors or grounds maintenance workers, and those whose job includes working in a private dwelling e.g. home support workers.
- 4.4 Employees are permitted to smoke away from Council premises, provided they are not at work at the time.
- 4.5 Employees are asked to respect the smoking policies which exist in premises owned by other employers.

5.0 RESPONSIBILITIES

- 5.1 Directors will ensure the implementation of this policy within their departments, using their normal management structures.
- 5.2 It is the responsibility of managers, supervisors and team leaders to ensure that this policy is brought to the attention of all staff and that they fully understand its content. This includes employees on medium or long term sickness absence as well as those on maternity leave.
- 5.3 Managers, supervisors, team leaders, foremen, chargehands etc. are responsible for ensuring that the employees in their teams comply with the requirements of this policy.

5.4 Employees and Councillors have a duty to comply with this policy, in order to ensure the Council meets its statutory and common law obligations.

6.0 VISITORS & MEMBERS OF THE PUBLIC

Members of the public and visitors to Council premises are expected to abide by this policy. Council representatives who are escorting these people should advise them of the content of this policy.

To support this, 'No Smoking' signs will be posted in areas regularly used by the public.

7.0 EXCEPTIONS TO THE POLICY

The following exceptions to this policy apply:

7.1 Designated client smoking areas in residential premises and day care centres.

7.2 Schools and other premises under the Local Management of Schools (LMS) arrangements - these premises have the discretion of adopting this policy, formulating their own or choosing to do nothing.

8.0 ADVICE, COUNSELLING & SUPPORT

The Council will assist and support those employees who wish to give up smoking.

Employees can access help through the Council's Occupational Health Unit, who will be able to provide contact details for specialist help groups.

The OH Unit can be contacted on 01685 724668.

The all Wales smoking cessation helpline number is 0800 085 2219.

9.0 NON COMPLIANCE

9.1 Employees who do not comply with this policy will be dealt with using the Council's disciplinary policy and procedure.

9.2 Where Councillors do not comply with this policy the matter may be referred to the Ombudsman (The Commissioner for Local Administration in Wales).

10.0 ELECTRONIC CIGARETTES

10.1 Electronic cigarettes or 'e-cigarettes' are battery-operated devices designed to replicate smoking behavior without the use of tobacco. Some look like conventional cigarettes while others appear more like an electronic device.

They consist of a cartridge containing liquid nicotine, an atomizer (heating element) a rechargeable battery and electronics. They turn nicotine, flavour and other chemicals into a vapour that is inhaled by the user. The exhaled vapour can be seen, and some products have a light emitting diode (LED) at the tip that lights up when the user inhales.

- 10.2 At present (April 2014) there is a lack of rigorous, peer-reviewed studies to support the use of e-cigarettes as a safe and effective nicotine-replacement therapy. They are subject to limited regulation, and are not licensed as a medicine in the UK.
- 10.3 At this time the British Medical Association (BMA) has agreed that e-cigarettes should be included in the ban on smoking in public places.
- 10.4 In line with the above points, e-cigarettes have been brought within the scope of this policy. Their use within Council workplaces is therefore prohibited.
- 10.5 Furthermore, as described in paragraph 4.3 of this policy, employees are not permitted to smoke e-cigarettes whilst they are at work, *irrespective of their work location*.