



Smoking Policy

Our values

- **Integrity**
- **Commitment**
- **Accountability**
- **Pride in what we do**
- **Listening and engaging**
- **Creativity and learning**

Contents

- 1. Introduction 3
- 2. Legislation 3
- 3. Implementation 3
- 4. Employee Responsibilities 4
- 5. Line Manager Responsibilities 4
- 6. Electronic Cigarettes 4
- 7. Counselling / Support 4
- 8. External Venues 5
- 9. Compliance with the Policy 5
- 10. Monitoring and Review 5

1. Introduction

- 1.1 The SSSC acknowledges its duty of care to employees under the Health and Safety at Work Act 1974 and to provide, so far as is reasonably practicable, a healthy and safe working environment. This policy also complies with the Smoking Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

The aim of the policy is to reflect legislation and also guarantee the right of non-smokers to breathe smoke-free air at work whilst also taking into account the needs of those who smoke. The SSSC recognises that smoking is a personal matter. However, where employees smoke is a matter of public concern and therefore this policy is concerned with where people smoke while at work.

2. Legislation

This policy complies with the following legislation:

- The Smoking Health and Social Care (Scotland) Act 2005
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
- The Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Workplace (Health, Safety & Welfare) Regulations 1992
- Safety & Health of Pregnant Workers Directive (92/85/EEC)
- British Medical Association (BMA) briefing on e-cigarettes

3. Implementation

Smoking is prohibited in SSSC premises.

Suitable areas external to SSSC premises have been identified as designated smoking areas.

Employees do not have an entitlement to use designated smoking areas during working hours, (with exception of an agreed lunch break). If employees want to have a smoking break during their working day then this must be limited to one in the morning and one in the afternoon and employees should use their flexi time to cover their absence from work. Employees do not have an automatic right to breaks and breaks can be refused for business needs e.g. during a meeting.

Employees who use their private car for business use should not smoke during journeys where they are carrying passengers, colleagues or clients who do not smoke.

Where an employee uses a hire car for business use they are prohibited from smoking within the hire car as per the hire car agreement. Where

an employee has smoked while using a hire car, they will be liable for any associated cleaning costs incurred.

The smoking policy applies equally to members of the public and visitors to SSSC premises and "No Smoking" signs will be prominently displayed in accordance with the Smoking Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

4. Employee Responsibilities

As an employee, you have a responsibility to:

- Comply with this policy and only smoke in designated smoking areas.
- Respect the rights of non-smokers.
- Advise visitors of the smoking policy and ensure visitors who are visually impaired are aware that smoking is prohibited on SSSC premises and informed of where the smoking shelters are located.

5. Line Manager Responsibilities

As a line manager, you have a responsibility to:

- Communicate this policy to employees, sub contractors, visitors and any other interested parties.
- Explain this policy during the induction process so that all new employees are aware of their responsibilities.

6. Electronic Cigarettes

The SSSC understand that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly to help them give up smoking. E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user.

Although they fall outside the scope of smoke-free legislation, we do not allow our employees to use e-cigarettes in the workplace because:

- Although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees.
- Some e-cigarette models can look like real cigarettes. This makes a smoking ban difficult to monitor and creates an impression for visitors that it is acceptable to smoke.

7. Counselling / Support

The SSSC recognises that staff may need support in connection with this policy and information about smoking cessation has been provided. In addition employees may wish to contact their local GP surgery for help and advice.

Further information and advice can be sought from the Health Scotland support line by contacting the following number: **Health Scotland Smokeline – 0800 84 84 84**

In addition the SSSC has provided information in connection with specialist support and cessation services in each area for employees who wish to stop smoking or have difficulty complying with the restrictions. There is also a support mechanism in place through Help Employee Assistance Programme which can support individuals through counselling sessions.

8. External Venues

Whilst the SSSC is committed to the health, safety and welfare of its employees in its own premises it is more difficult to control external venues. Employees need to take a practical, proportionate approach to minimise any potential risks to their own health and safety when visiting other premises throughout the course of their work.

Where, through the course of their work, an SSSC employee is in an exempt designated smoking area, they should initially self risk assess the situation and the likely duration of the exposure to smoke. Where the individual is uncomfortable being in this situation they can excuse themselves.

9. Compliance with the Policy

The policy supports legislation and a smoke free working environment for all employees. It is hoped that all employees support the aims of working towards a healthy workplace.

Responsibility for implementing and monitoring this policy rests with senior managers. Failure to comply will be viewed as misconduct and will be dealt with in accordance with the Council Disciplinary Procedures.

10. Monitoring and Review

The policy will be reviewed on a three yearly basis making amendments as appropriate in consultation with managers, staff and Partnership Forum.