

| Document Details | | |
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| 1 | July 2015 | Revision of Policy |
| 2 | July 2018 Version 2 | 3 yearly review of policy – format and renumbering throughout. Inclusion of new sections on responsibilities, and definitions. Additional paragraphs added to introduction, use of e-cigarettes and personal vaporisers, community visits, shared workspace and breaks. |
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1 Introduction

- 1.1 There is clear scientific evidence that exposure to second-hand tobacco smoke (also known as passive smoking) is a cause of disease, including lung cancer and heart disease.
- 1.2 On July 1st 2007 the Government introduced a new law to make virtually all enclosed public spaces and workplaces in England smoke free. A smoke free country ensures a healthier environment, so everyone can socialise and work free from passive smoke inhalation.
- 1.3 We are committed to providing a safe, healthy and smoke-free environment for staff, patients and visitors. This policy aims to meet the requirements of health and safety legislation by assessing and reducing the risks to health caused by tobacco on employees and other users of the premises.

2 Purpose

- 2.1 This policy is intended to:
 - Ensure that all staff and visitors to Shropshire Community Health NHS Trust premises benefit from a smoke-free environment.
 - Provide opportunities and support for staff who wish to stop smoking.
 - Meet the requirements of the Health Act 2006 and associated Regulations.

3 Scope

- 3.1 This policy applies to all staff, bank workers, agency workers, visitors, and contractors whilst on Trust premises. This policy also applies to all service users and patients whilst on Trust premises.

4 Roles and responsibilities

4.1 Trust

- Overall responsibility for implementing this policy and ensuring it is fully supported by staff rests with the Trust's Chief Executive and Executive Board.
- The Trust has a legal obligation to provide a safe and comfortable working environment that is compliant with the Health and Safety at Work Act 1974 and Smoke-free (Premises and Enforcement) Regulations 2006 part of the Health Act 2006.
- The Trust will seek to take any appropriate action against staff who choose to negatively impact upon the working experience and health of colleagues and patients by smoking in unauthorised places.

4.2 *Managers*

- To make staff and workers aware of this policy and the restrictions on smoking during working hours, and on work premises including Trust vehicles.
- To ensure that staff, workers, visitors, patients and contractors comply with this policy.
- To raise concerns with individuals immediately after having been made aware of a potential breach in the smoking regulations.
- To make staff aware of the possible implications from smoking in unauthorised places on Trust premises, and take appropriate action, including disciplinary action as required.

4.3 *Occupational Health*

- The Occupational Health Service will provide information, literature and help to members of staff wishing to stop smoking.

4.4 *Employees*

- All employees have a responsibility for implementing the Smoking in the Workplace Policy.
- Employees should respect the rights of their colleagues to work in a smoke-free environment and not engage in any smoking related activity whilst on Trust premises; this includes the use of Electronic cigarettes / Vaporisers.
- Employees should act as role models for promoting a healthy lifestyle and not therefore engage in any smoking related activity whilst in Trust vehicles.
- Employees should adhere to the restrictions placed on smoking-related activities as specified in this policy.
- Employees will be expected to reinforce our no smoking policy in circumstances which they feel comfortable to do so. This will include asking patients and visitors to cease smoking on Trust premises.
- Employees are not expected to enter into any confrontation with patients or visitors that may put their personal safety at risk.
- Employees are expected to have consideration for local neighbours. This includes avoiding smoking directly outside a neighbouring house, discarding cigarettes in neighbouring gardens and littering the neighbouring community.

5 Definitions

| Word | Definition |
|----------------------------------|--|
| Smoking | Smoking is the inhalation of the smoke of burning tobacco encased in cigarettes, pipes, and cigars. |
| Smoking-related activity | Engaging in smoking or in the use of battery-operated vaporisers |
| Electronic cigarette / Vaporiser | Battery-powered vaporiser that gives the user a similar experience to smoking tobacco and produces vapour including flavoured aromas either with or without nicotine, rather than traditional smoke. |

6 Smoking

- 6.1 Smoking is prohibited in all Trust buildings, grounds, car parks and in vehicles owned or operated by the Trust whilst on Trust business.

6.2 *Use of Electronic Cigarettes and Personal Vaporisers*

- 6.2.1 We recognise that the use of electronic cigarettes and personal vaporisers are not covered by current smoke free legislation however individuals are not permitted to use electronic cigarettes, or personal vaporisers in Trust buildings, grounds, and car parks and in vehicles owned or operated by the Trust whilst on Trust business.

6.3 *Breaks*

- 6.3.1 Smokers are not entitled to additional breaks and are not permitted to smoke whilst on duty. If staff wish to have smoking breaks throughout the day they will need to agree with their manager how they split their agreed break periods.

Employees should be mindful they are representing the Trust, and therefore should exercise care when choosing where to smoke, avoiding the vicinity of Trust premises, and having consideration for neighbouring properties.

7 Home care treatments and community visits

- 7.1 All staff have the right to work in a smoke free environment irrespective of the setting. However, we recognise the challenges faced by community staff visiting patients in their own homes where the patient or family members may smoke. Employers and employees are largely reliant on the understanding and goodwill of the patient and family members, but as an employer we have a duty of care to minimise risk to workers from smoke inhalation resulting from a community visit.
- 7.2 Staff working in the community should remind patients that whilst they are delivering care within the patient's home this forms their workplace and that the patient should refrain from smoking. If patients refuse or persist the staff member should seek the advice of their line manager. We will support staff who wish to work in a smoke-free environment.
- 7.3 Where patients or other occupants do not respect this request, the line manager will ask for and arrange an alternative venue for the appointment where reasonably practicable.

8 Shared workspaces

- 8.1 Where Trust staff work in shared workspaces they will need to ensure that they follow the policy of the building operator, and in all cases they will need to ensure that they meet the requirements of the Health Act 2006.

9 Assistance to smokers

- 9.1 The Occupational Health Department will provide information, literature and help to members of staff wishing to stop smoking.
- 9.2 Staff may also be referred to the Help 2 Quit Service, available at all GP surgeries in Shropshire.
- 9.3 Where appropriate, advice to patients and visitors on stopping smoking should be offered. A supply of relevant literature should be maintained.
- 9.4 Information to patients will include a clear statement on the Trust's policy on smoking.

10 Implementation

- 10.1 Managers have a responsibility to ensure that the policy is enforced.
- 10.2 Managers and supervisors will be responsible for implementing the policy in their own area. Failure by any employee to comply with the policy may lead to disciplinary action.

11 Review

- 11.1 The rules and operation of this policy and procedure will be periodically reviewed (at least every 3 years) in light of any developments in employment legislation or employee relations' practice and, if necessary, revised in order to ensure their continuing relevance and effectiveness. Any amendments will be introduced only after consultation with staff-side representatives.