



SMOKING AT WORK POLICY

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Rochdale Boroughwide Housing Limited is a charitable community benefit society.

FCA register number 31452R.

Registered Office: Sandbrook House, Sandbrook Way, Rochdale OL11 1RY.

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CONTENTS

Section	Page
Introduction	4
Purpose & Scope	4
Key Legislation	4/5
Definitions	5
Responsibilities	5/6
Policy	6
Employees Required to Work in Other Peoples Homes	6/7
Monitoring & Review	7
Record Keeping	7
Sources of Further information	7/8
Guidelines for Employees Who Work in Other Peoples Homes	Appendix 1
E-Cigarettes	Appendix 2

1. Introduction

- 1.1 Rochdale Boroughwide Housing Ltd (RBH), as an employer, is committed to providing a safe, clean and healthy working environment for all of its employees. RBH is also committed to promoting the health and wellbeing of its employees.
- 1.2 Smoking, including passive smoking, has been proven to be a cause of lung cancer, heart disease and many other illnesses. Accordingly, RBH has developed this policy on smoking in the workplace.

2. Purpose and Scope

- 2.1 This policy sets out RBH's position on smoking in the workplace and is intended to assist RBH in the provision of a safe, healthy and pleasant working environment by regulating smoking in the workplace.
- 2.2 It is hoped that employees will be able to enjoy an environment in which they can perform to the best of their abilities, free from any distraction or friction caused by smoking.
- 2.3 The environment in which RBH employees are required to work will have an impact on both their health and their happiness. This in turn will impact upon RBH productivity.
- 2.4 This policy shall apply to all employees of RBH, contractors and visitors to any of RBH premises.

3. Key Legislation

- 3.1 The legislation governing this Policy is contained in the Health and Safety at Work Act 1974.

The Health and Safety at Work Act 1974 requires employers to “provide and maintain a safe working environment which is, so far as is reasonably practicable, safe, without risk to health and adequate as regards facilities and arrangements for (employees) welfare at work”. Failure to meet this responsibility may give rise to criminal liability.

In addition, the **Workplace (Health, Safety and Welfare) Regulations 1992**, whilst not prohibiting smoking in the workplace, requires that where rest areas are provided there should be provision for non-smokers to enjoy a smoke free environment.

Finally, the **Management of Health and Safety at Work Regulations 1999** require employers to put in place effective systems for the management of health and safety in

the workplace. Such systems are necessary to ensure the appropriate policies are implemented and that those policies are properly operated.

4. Definitions

4.1 For the purposes of this policy the following definitions apply:

- “Smoking” means smoking by any means, whether cigarette, cigar, pipe or any other product. Reference in this policy to cigarettes shall mean any of the aforementioned products.
- “Passive Smoking” means the inhalation of smoke by a person or persons other than the smoker.
- “RBH Premises” shall include RBH buildings, grounds, vehicles and any area surrounding any entrance to RBH Premises.

4.2 These definitions make it clear that ‘smoking’ includes smoking by whatever means, be it cigarette, cigar, pipe or other means and that RBH Premises shall include the buildings, grounds and any RBH vehicles. The policy may be extended to require employees to refrain from smoking in front of RBH buildings in order to protect the image of the RBH.

5. Responsibilities

5.1 RBH shall ensure that employees views on the implementation and operation of this policy are sought and considered where reasonably practicable.

5.2 RBH recognises the right of non-smokers to work in an environment free from smoke and shall endeavour, so far as is reasonably practicable to ensure non-smokers are provided such an environment.

5.3 This statement repeats RBH’s commitment to providing a healthy and appropriate environment and places a responsibility, limited to such changes as are reasonably practicable, on RBH to provide such an environment.

5.4 RBH shall ensure that this policy is adhered to by all employees, contractors and visitors to RBH Premises.

5.5 This statement places a responsibility on the **Society** to provide appropriate signage and requires its employees, particularly those in a client or public-facing role, to ensure that any visitors do not smoke on RBH Premises. RBH must also implement and enforce this policy.

- 5.6 Employees shall ensure that they and any visitors to RBH premises comply with this policy.
- 5.7 Employees shall co-operate with RBH in the implementation and operation of this policy.
- 5.8 This places a responsibility on the employees to do what they can to help RBH implement and operate the no smoking policy. RBH's senior management will not always be present, therefore, each employee must have responsibility for implementation of the policy.
- 5.9 The person responsible for overseeing health and safety in RBH, including this policy is the Health & Safety Manager, who will make him/herself available to any employee who wishes to make representations regarding the operation of the policy.
- 5.10 RBH has designated an officer who will be responsible for the implementation and operation of this policy. That person should be available to receive complaints or suggestions from employees so that the policy may be operated with minimal disruption to the life of RBH and minimum dissatisfaction amongst employees. RBH may require that complaints are in writing to ensure that only valid complaints will be made and that there will be a record of such complaints.

6. Policy

- 6.1 Employees are forbidden from smoking on **the Society's** premises at any time.
- 6.2 E-cigarettes/smokeless products will also be forbidden by this policy. Appendix two highlights the disadvantages.
- 6.3 RBH, in conjunction with 'go smoke free' will assist any employee who wishes to stop smoking. Such employees should contact their manager / HR Section for assistance and further information on support groups and charities.
- 6.4 RBH will regard any breach of this policy as a disciplinary offence.

7. Employees Required to Work in Other People's Homes

- 7.1 It is recognised that it may not be possible to remove all potential hazards from the workplace, but that it is management's responsibility to identify risks and reduce these as far as is reasonably practicable.

Smoking At Work Policy

Guidelines in Appendix One should be followed wherever possible.

- 7.2 Where an individual employee is experiencing particular health problems, e.g., asthma, or is pregnant, advice will be sought from RBH medical advisors.

8. Monitoring and Review

- 8.1 RBH/specified individuals will continue to monitor the operation of this policy, will review it annually and will publish any amendments.

This policy may be amended at any time at RBH's sole discretion.

However, employees will, where possible, be consulted prior to any amendment of this policy.

- 8.2 RBH may, from time to time, wish to amend this policy, taking into account the developments in law or changes to the workforce or **the Society's** premises. The clause allows RBH to do so and again does not require employee approval for any changes. If RBH does decide to amend the policy such amendments will be notified to the employees as soon as it is practicable to do so.

9. Record Keeping

- 9.1 Managers should retain a copy of any written complaint or request relation to this policy, and will pass such copy to the Health & Safety Section.

In order to properly monitor the implementation of the policy and the views of employees, records of any discussions or complaints should be kept. Any complaint or other feedback from an employee may come up in any future claim by that employee. Accordingly, managers should not only keep a copy but should ask the employee to sign the said copy indicating their acceptance of the note's accuracy. The manager should then pass the copy of the complaint to the person designated in clause 5.3 as responsible for the operation of this policy. This will centralise complaints and facilitate monitoring of the implementation and operation of the policy.

10. Sources of Further Information

Health and Safety Executive - www.hse.gov.uk

Action on Smoking and Health (ASH) –

102 Clifton Street
London
EC2A 4HW
UK
Tel: 020 7739 5902
Fax: 020 7613 0531

www.ash.org.uk

Department of Health

Richmond House
79 Whitehall
London
SW1A 2NS

Tel: 0207 210 4850

www.doh.gov.uk/tobacco

Guidelines for Employees Who Work in Other People's Homes

Introduction

Employees within RBH are often required to work in people's homes for variable amounts of time, and during these visits they may be exposed to the harmful effects of passive smoke.

The aim of this protocol is to provide some practical guidelines which enable managers and employees to manage this situation, and reduce risk to health.

Protocol

'It is requested that a smoke free environment will be provided whilst an employee is working in a customers/clients home/accommodation.

It would therefore be appreciated if smoking by the customer/client, or by others who may live in the house/accommodation (including visitors), did not take place during this time. Our officer will be able to use discretion as to whether to leave your home if this request is not fulfilled.'

Employees will inform tenants/clients of this request at their first contact, and ask that clients do not to smoke in the presence of the employee.

This request should be included as standard on letters, appointment forms or other relevant correspondence. A standardised letter for informing service users will be produced.

If a smoke free environment cannot be provided, the employee can use their discretion and leave the situation. If it is a statutory service that must be provided, the alternative strategies should be explored in the following order of risk avoidance measures:

- 1) Where possible agree to meet at an alternative smoke free venue.
- 2) If this is not possible leave the room whilst the tenants/client or someone else is smoking.
- 3) If this is not possible, a request to increase the ventilation in the room should be made by opening a door or window. However, it must be noted that such ventilation will not reduce the risk of second hand smoke as this will not remove the carcinogens and other toxins from the smoke. It will only help to alleviate the discomfort caused by the particulate matter in smoke.
- 4) Encourage the tenant/client to limit the number of cigarettes that they smoke whilst the employee is in their home.
- 5) Where exposure to second hand smoke continues, limit the employee's exposure by monitoring and restricting the amount of time they spend in smoking areas.
- 6) No employee should be expected to make consecutive visits to houses in which they are likely to be exposed to second hand smoke.

Smoking At Work Policy

7) If none of the above measures can be implemented or fail to secure a reduction in risk, then consideration should be given to withdrawing employees from the situation.

Any employee who withdraws from a situation, in which they considered themselves to be at risk, and failed to secure improvement via any of the risk reduction methods outlined above, should tell their line manager as soon as possible.

Any issues involving tenants or customers who do smoke should be documented appropriately to ensure employees have prior warning on future visits.

In the case of members of staff involved in the provision of 24-hour care or support in a client's home or accommodation, requests to be relocated to a non- smoking house will be granted wherever possible.

All employees should be able to request to work with non-smoking clients or in areas, which are smoke free. Such a request will be considered and implemented where possible.

To assist in the steps given above, it is recommended that the following measures be taken;

- Identify and record those clients who smoke
- Identify staff who have existing conditions that are made worse by exposure to second hand smoke. For example asthma, chronic obstructive pulmonary disease (COPD), cardiovascular disease, or those who face additional risks, e.g. due to pregnancy. Particular care should be taken to prevent or minimize their exposure to tobacco smoke.

E-Cigarettes

Introduction

The e-cigarette is a relatively simple piece of technology that creates vapour by slightly heating a mixture of propylene glycol, glycerin, water, flavouring and nicotine (nicotine free e-liquid is available) until it vaporizes. This vapour acts much like tobacco smoke, allowing long time smokers an alternative that can be inhaled and exhaled like traditional smoking.

There is no scientific evidence that e-cigarettes can help smokers quit, and there is no guarantee an individual will stop smoking tobacco cigarettes. It is simply an alternative to tobacco cigarettes that allows smokers to continue the action of smoking without combustion. Some e-cigarettes are made to look like real cigarettes, cigars or pipes. Others look like pens or USB memory devices. There is no tobacco involved, and no smoke either. Instead, users do what's called "vaping." As they inhale, they take in nicotine-filled vapour.

Disadvantages of e-cigarettes in the workplace:-

- Although e-cigarettes do not burn tobacco, there are valid reasons to prohibit their use. E-cigarettes are products designed to deliver nicotine or other substances to a user in the form of a vapor, and a smoke-like vapor cloud is typically emitted when the user exhales.
- Co-Employees may find the use of e-cigarettes offensive as it lets off a vapour which could cause annoyance
- The products are unregulated and there are some concerns about their safety since manufactures don't disclose the ingredients of their products.
- There have been no clinical trials to prove that they can help people stop smoking. In the absence of such evidence, it is recommended that people who want to quit smoking should seek the advice of their GP
- There are also concerns of environmental issues of the disposal of batteries
- E-Cigarettes have not been proven as a smoking cessation device and should not be considered a viable option to quit smoking