

Ramsey Town Commissioners

Smoke Free Policy

Originating Officer
Town Clerk

Approved by Policy Committee
n/a

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INTRODUCTION

Ramsey Town Commission recognises the right of all staff to expect a healthy working environment. The 'Prohibition of Smoking in Certain Premises Regulations 2007' came into force on 30th March 2008, and this Policy restates a policy effective from that date.

The aim of this Policy is to protect all employees, service users, customers and visitors from exposure to second-hand smoke (passive smoking) and to assist compliance with the Public Health (Tobacco Act) 2006.

Whilst it is hoped that the Policy will assist smokers to quit, the focus is not on whether people smoke, but where and when people smoke and the effect of second-hand smoke. Managers are encouraged to adopt a sympathetic approach to staff wishing to quit smoking.

LEGISLATION

The Public Health (Tobacco) Act 2006 received Royal Assent in October 2006. The No-Smoking in Premises Regulations 2007 came into effect on 30th March 2008 and from this date it has been an offence to smoke in most 'wholly enclosed' and 'substantially enclosed' workplaces and public places, including work vehicles.

Those responsible for 'no-smoking premises' (as stipulated within The Prohibition of Smoking in Certain Premises Regulations 2007) and/or no-smoking vehicles will be required to display 'no-smoking' notices that are clearly visible to all staff, customers and visitors. Failure to comply may result in prosecution, for which the maximum penalty on summary conviction will be £5,000.

The law requires those responsible for no-smoking premises to prevent or stop any person smoking there. A similar requirement is made of drivers, those with management responsibilities and those with responsibility for order and safety on no-smoking vehicles. Failure to comply may lead to prosecution.

POLICY

All Commission buildings and vehicles are smoke free areas, including (this list is not exhaustive):

Work areas – offices, storerooms, file rooms and any work areas, whether occupied by one person or shared by two or more

Common areas - lifts, corridors, meeting rooms, toilets, reception areas, etc.

Enclosed car parks (wholly or substantially enclosed as defined within The Prohibition of Smoking in Certain Premises Regulations 2007)

Curtilage of Commission buildings, where stipulated, (to avoid tobacco related litter and users of the building having to walk through second hand smoke to gain access)

Commission owned vehicles.

The prohibition on smoking includes cigarettes, cigar and pipe smoking.

The Commission has extended the prohibition on “smoking” to include the use of E-cigarettes, personal vaporizers, and electronic nicotine delivery systems.

IMPLEMENTATION

In accordance with this Policy:

Smoking is prohibited within Commission Buildings and at all meetings and events held in Commission buildings. Smoking is prohibited in all Commission owned or leased vehicles. Employees who use their own vehicle for work must not smoke whilst the vehicle is used to carry passengers for work related purposes.

All staff are prohibited from smoking within the curtilage of any building within which they are working including residential property.

It is acknowledged that staff have normal working breaks away from their work area for a rest or refreshment, however, any breaks other than a lunchbreak should normally not entail leaving the place of work.

External areas where smoking can be permitted will be clearly identified, these will be away from the entrance and exit point of premises.

Entrance signs will indicate that people are entering a “Smoke Free Area” and suitably prominent signs will be displayed where necessary.

Where staff refuse to observe the Smoke Free Policy disciplinary procedures will be progressed

Where staff are required to attend smoking buildings/areas to undertake works the occupants/users of those buildings/areas will be required not to smoke in the work area for a period

of 2 hours before staff are to attend, and within those two hours to ventilate the area as much as practicable.

RESPONSIBILITIES

Management will:

be responsible for ensuring the Commission meets its duties under the Public Health (Tobacco) Act 2006
be responsible for ensuring relevant signage (conforming with legislative requirements) is displayed, visible and legible by persons in and persons approaching the no-smoking premises/vehicle
undertake appropriate and necessary action to protect non-smokers from breathing second-hand smoke (i.e. stipulating curtilage of building or area within)
notify all tenants/occupants of exempted buildings/areas of the requirement not to smoke within 2 hours of a staff visit and to ventilate the area
advise staff of smoking cessation options and ensure that they are aware and comply with this Smoke-Free Policy
include monitoring of the Policy in health and safety inspections

Staff:

will be expected to co-operate and comply with this Smoke Free Policy and with any arrangements introduced/actions taken to protect non-smokers in the workplace
meeting visitors on the premises will explain the rules politely but firmly and as far as possible ensure compliance
who smoke will be expected to do so in their own time, however support and encouragement will be offered to smokers who want to stop smoking
must be aware that a breach or persistent breaches of this Policy will be a disciplinary offence and addressed accordingly

SIGNAGE

Notices complying with legislative requirements will be displayed as appropriate in clearly visible positions.

SUPPORT

The focus of this policy is on general health improvement and reflects legal requirements. Support and encouragement will continue to be offered to smokers who want to stop smoking.

For those members of staff who wish to give up smoking, support is available from an island wide Stop Smoking service; this specialist service is accessible via:

the Internet at www.Quit4You.gov.im

some GP surgeries

several pharmacies, and

other community locations

A detailed contact list and information relating to counselling services is provided on the website. Such assistance should be sought in staff's own time, however, in offering support to staff, management may consider allowing reasonable time off during working hours to attend smoking cessation sessions, if required.

ENFORCEMENT

The Public Health (Tobacco) Act 2006 was introduced to protect workers and the public from exposure to second-hand smoke and will be enforced by the Department of Local Government and the Environment's Environmental Health Officers. The law requires those responsible for no-smoking premises to prevent or stop a person smoking there. A similar requirement is made of drivers. Those who do not comply with the smoking law are liable to a fixed penalty fine and possible criminal prosecution.

Breaches of this Smoke-Free Policy will be addressed via the appropriate disciplinary procedures.

EXEMPTIONS

There are certain exemptions to the Public Health (Tobacco) Act 2006, stipulated within Schedule 2 of The Prohibition of Smoking in Certain Premises Regulations 2007 as:

Residential accommodation

Designated rooms in care homes

Designated rooms in hospices

Designated rooms in psychiatric units

Designated hotel bedrooms

Detention or interview rooms which are designated rooms

Designated rooms in offshore installations

Private vehicles

REVIEW

This policy will be reviewed every four years or in the event of legislative change.

Staff queries relating to this Policy should be discussed with line-managers in the first instance.