



# Smoking and Vaping Policy

Policy and Finance Committee Approved: May 2020  
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## 1. Introduction and Aims

Fleet Town Council recognises the adverse impact on health caused by direct and second-hand smoking in the workplace. This Policy details the restrictions and arrangements around smoking and the use of electronic cigarettes (vaping) in Fleet Town Council premises.

## 2. Scope of the Policy

For the purposes of this policy, the use of electronic cigarettes is to be regarded in the same way as tobacco cigarettes (i.e. they are not permitted to be used in any work-related setting).

The word 'smoking' throughout this Policy includes the use of all types of tobacco/herbal tobacco, cigarettes pipes and cigars. The word 'vaping' throughout this policy means the use of any type of electronic smoking device. This policy applies to employees, elected members, members of the public, contractors and others working, visiting or using Council premises or vehicles.

## 3. Legislation

The Health and Safety at Work Act 1974 gave employers a duty of care to ensure the health, safety and welfare at work of all their employees and the Workplace (Health, Safety and Welfare) Regulations 1992 specifically placed a duty on employers to ensure that non-smokers were not affected by tobacco in rest rooms or rest areas. The Smoke-free (Premises and Enforcement) Regulations 2006 requires all employers to provide smoke-free workplaces for employees. The smoking ban applies in all enclosed or "substantially enclosed" public places and workplaces and vehicles used for work.

## **Restrictions on Smoking and Vaping**

### **Council Premises and Working Outdoors**

Except where specifically described within this Policy, smoking/vaping is not permitted within any of the Council's buildings or in any part of the Council's premises, within the entrance area to Council owned buildings.

No employee is allowed to smoke/vape whilst being paid at work; this includes employees working outdoors. When on a smoking/vaping break, employees should not be easily identifiable as a Council employee; i.e. where appropriate they should ensure their uniform is covered when smoking/vaping.

Charging of the e-cigarette whilst at work or at your desk is prohibited, this includes the use of computers and USB devices.

### **Vehicles**

The smoking/vaping ban applies to all Council vehicles. Employees are asked to refrain from smoking/vaping in their own vehicles, when used on Council business and when carrying passengers.

## **4. Facilities/Support for Employees**

### **Smoking/Vaping Breaks**

No facilities for smoking/vaping will be provided within any of the Council's buildings, however, the Council does acknowledge that smoking is an addictive habit, and subject to service requirements and levels of cover, smokers/vapers will be permitted to leave their place of work for a smoking/vaping break.

Smoking breaks for all employees (including employees that work outside) will be treated as an unpaid authorised absence from the workplace, they should be deducted from working time.

For some roles flexi-time does not apply and there is no provision for official breaks. In these circumstances where there is a management agreement for unofficial breaks e.g. a tea break, the Manager should outline what is reasonable, (such as one tea break on a 6 hour shift, 2 on a 8 hour plus shift) ensuring staffing levels are maintained. Those wishing to smoke/vape should do so during their unofficial break and not in addition to it.

In all cases where employees take official or unofficial smoking/vaping breaks they must fulfil their contractual hours. The duration and frequency of smoking/vaping breaks must be agreed between the smoker/vaper and their manager. In any event authorised absence from work will not be permitted for smoking/vaping within one hour of starting/finishing work or within one hour of starting or finishing a lunch break.

### **Designated Smoking/Vaping Areas**

Designated smoking and vaping areas have been identified outside The Harlington/Fleet Town Council building. This supports the management assessment that has identified a risk to the personal safety of employees if they leave the grounds of the Council premises where they work to have a smoking/vaping break and where employees are taking an unofficial smoking/vaping break but are still on duty and must respond to any requests or notification to return to their duties. The area directly outside of the boiler room by market bin store has been designated for smoking and the area for vaping is outside the auditorium fire exit/loading bay to the rear of the Harlington. Staff must not smoke or vape outside of the front of the building. We do ask that you vape away from entrances and open windows.

Employees smoking/vaping within designated areas should ensure that waste is disposed of appropriately without littering.

## **5. Help with Smoking Cessation**

The Council will support employees wishing to give up smoking. Through Smokefree Hampshire <https://www.smokefreehampshire.co.uk> Where practicable, requests from employees to attend smoking cessation programs during working hours will be supported, subject to operational requirements and management approval.

## **6. Enforcement**

The enforcement of this total smoking/vaping ban will be the responsibility of all managers, who should retain and file any written complaint or request in relation to this policy. Breaches of this policy will be dealt with under the Council's Disciplinary Procedure. Employees who raise genuine concerns about breaches of this policy will be supported. Staff are authorised to ask non-employees who breach the policy to leave the premises.