

SMOKING AT WORK POLICY

APPROVED BY HHP BOARD:

EFFECTIVE DATE:
February 2024



hebridean housing
partnership

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INTRODUCTION

- 1.1 The Smoking, Health and Social Care (Scotland) Act 2005 and The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 prohibited smoking in certain public places which are 'wholly or substantially enclosed', including the majority of workplaces. It is an offence to smoke in No Smoking premises or to knowingly permit smoking in No Smoking premises.
- 1.2 The purpose of this policy is to ensure HHP comply with the above Act and Regulations and to protect any person (e.g. employees, customers, contractors, or visitors) in the workplace or in a company vehicle from exposure to second-hand smoke.

POLICY OBJECTIVES

- 2.1 Smoking for the purposes of this policy relates to tobacco and other substances as well as the use of e-cigarettes/vaping.
- 2.2 It is the policy of HHP that all of our workplaces and company vehicles are smoke free. This policy was developed in consultation with employees and their representatives.
- 2.3 Smoking is prohibited in any part of the workplace including toilets, showers, stairways, lifts, interview rooms, stores, corridors, kitchen, reception area, entrances or any other communal area.
- 2.4 Smoking is also prohibited in any part of company vehicles at any time. Staff should avoid smoking in their own vehicles when on HHP business especially if they have passengers, or when they are passengers in another vehicle.
- 2.5 Smoking will only be permitted outdoors in designated areas.
- 2.6 All employees who smoke outdoors in a designated area must dispose of any ash or cigarette ends in the bins provided.
- 2.7 All employees must ensure that the length or frequency of their smoking breaks does not have an adverse effect on their performance or the business. An employee must make up the time he takes for smoking breaks if doing so would prevent that time from having an adverse effect on his performance or the business.

IMPLEMENTING THE POLICY

- 3.1 The Chief Executive has overall responsibility for the implementation of this policy.
- 3.2 Procedures relating to the implementation, monitoring and enforcement of this policy have been developed and are maintained by the Health & Safety Committee and updated as required.
- 3.3 Day-to-day responsibility for the implementation of this policy lies with line managers but all employees are obliged to adhere to and facilitate the implementation of the policy in the workplace.

COMMUNICATING THE POLICY

- 4.1 We will inform its employees and visitors about the Smoking at Work Policy in the following ways:
 - a) No Smoking signs will be clearly displayed at the entrances to and within the workplace, and in company vehicles;
 - b) all new employees will be given access to the Smoking at Work Policy (e.g. at induction); and
 - c) a copy of the policy will be posted on HHP's intranet.

MONITORING AND REVIEW OF POLICY

- 5.1 We will review this policy every 3 years. More frequent reviews will be considered if, for example, there is a need to respond to new legislation/policy guidance.

APPENDIX A

HHP PROCEDURES RELATING TO THE SMOKING AT WORK POLICY

EMPLOYEE NON-COMPLIANCE

- 1.1 In accordance with the employer's disciplinary procedure, disciplinary action will be taken against an employee who smokes in the workplace or in any part of a company vehicle at any time.

VISITOR NON-COMPLIANCE

- 2.1 All employees are expected to inform visitors about the No-Smoking at Work Policy in any part of the workplace. However, an employee is not expected to enter into any confrontation that may put his personal safety at risk.
- 2.2. Employees should take the following steps if their visitor smokes in any part of the workplace in their presence.
- a) Politely ask them to stop smoking and inform them that smoking is only permitted outdoors in designated areas;
 - b) If the visitor does not stop smoking, politely inform the visitor that it is illegal to smoke and ask him to leave the premises; or
 - c) If the visitor does not stop smoking or refuses to leave the premises, immediately inform Corporate Resources Manager.

PASSENGER NON-COMPLIANCE

- 3.1 All employees are expected to inform passengers about the Smoking at Work Policy in any part of a company vehicle. However, an employee is not expected to enter into any confrontation that may put his personal safety at risk.
- 3.2 The driver of a company vehicle has a legal obligation to stop any passenger from smoking in that vehicle.
- 3.3 Such a driver should take the following steps if their passenger smokes in the vehicle in their presence.

- a) Politely inform the passenger that it is illegal to smoke and ask him to stop smoking;
- b) If the passenger does not stop smoking — politely inform the passenger that it is illegal to smoke and ask him to leave the vehicle (if it is possible for you to park the vehicle legally and safely); or
- c) If the passenger does not stop smoking, refuses to leave the vehicle or it is not possible for you to park the vehicle legally and safely, please continue your journey and report the incident to your Line Manager. Any report about such an incident will only be used for the purpose of monitoring the effectiveness of the Smoking at Work Policy in company vehicles.

FINES FOR FAILING TO STOP A PASSENGER FROM SMOKING

- 4.1 Employees who fail to stop passengers from smoking in a company vehicle may be liable to pay a court fine of up to £2,500 unless they can show that they took reasonable steps to stop the passengers from smoking (e.g. by asking the passenger to stop).

HELP TO STOP SMOKING

- 5.1 Smokers who want to stop smoking may call the NHS smoking helpline on 0300 123 1044 or www.smokefree.nhs.uk

INTERPRETATIONS & ABBREVIATIONS

The following interpretation and abbreviations are used in this policy:

WORD	INTERPRETATION
<i>HHP or Partnership</i>	Hebridean Housing Partnership
<i>Board</i>	Means the Board of the Hebridean Housing Partnership
<i>Board Members</i>	All Members of the Board including co-opted Members
<i>The Forum</i>	Western Isles Housing Association Community Forum
All references to the masculine gender in this policy shall read as equally applicable to the feminine gender	

If there is a conflict between this Policy and any statutory provision or regulation, the latter shall prevail.



HHP is a registered society under the Co-operative and Community Benefit Societies Act 2014, Registered Number: 2644R(S), Registered Office: Creed Court, Gleann Seileach Business Park, Willowglen Road, Stornoway, Isle of Lewis HS1 2QP. It is a charity registered in Scotland, Charity Number: SCO35767, registered as Registered Social Landlord with the Scottish Housing Regulator, Registration Number: 359 and registered as a Property Factor, Registration Number PF000183

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