



Halesworth Area Community Transport

Smokefree Workplace and Public Place Policy

Aims of the Policy

Halesworth Area Community Transport (HACT) recognises that it has a responsibility for the maintenance and, where possible, improvement of the health of staff and users of its services, and it is acknowledged that breathing other people's smoke is both a public health hazard and a welfare issue, proven to cause ill health. This Policy recognises that second-hand smoke adversely affects the health of all those exposed to it. It is not concerned with whether anyone smokes, but with where they smoke, and the effect this has on staff, volunteers and other members of the public. It is also concerned with the exclusion of preventable carcinogenic substances in the locality of its premises and vehicles.

HACT actively encourages employees to refrain from smoking outside the times and circumstances set out in this policy, both in their own interests and as representatives of this organisation. However, this falls outside the scope of this Policy.

The Policy seeks to:

- guarantee a healthy working environment and protect the current and future health of employees, volunteers and members of the public;
- guarantee the right of everyone to breathe in air free from tobacco smoke & e-cigarettes;
- comply with health and safety legislation and employment law;
- raise awareness of the dangers associated with exposure to tobacco smoke & e-cigarettes;
- take account of the needs of those who choose to smoke and to support those who wish to stop.



Introduction

Section 2(2) of the *Health and Safety at Work Act 1974* places a duty on employers to:

'...provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.'

The *Health Act 2006* makes provision for the prohibition of smoking in certain premises, places and vehicles. Section 2 (2) states that: *'... premises must be smoke-free if they are used as a place of work including vehicles.'*

Second-hand smoke, (breathing other people's tobacco smoke), and side-stream smoke has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions.

General Principles and Scope

The aim of this Policy is to:

- protect the health of staff and volunteers;
- protect the health of visitors, contractors and users and/or clients of HACT services;
- inform staff and volunteers of their responsibilities in respect of the Policy;
- support smokers to help them cope with increased restrictions on their smoking during the working day;
- promote the culture of a smoke-free organisation.

This Policy will apply to all staff, volunteers, visitors, contractors and other persons who enter the premises of HACT workplace and vehicles.

Restrictions on Smoking

Smoking is not permitted in any part of the premises, at entrances and in vehicles managed, leased or owned by the organisation at any time, by any person regardless of their status or business with the organisation. By premises is meant any building or substantially enclosed public or private area occupied by one or more members of the general public or a workspace, whether used by one or more members of staff. This includes lifts, corridors, stairways, lavatories, rest rooms, reception areas and entrances. (An enclosed area is defined as one which has a permanent or semi permanent roof and has walls (including windows and doors) enclosing more than 50% of its perimeter.)



Visitors

All visitors, contractors and deliverers are required to abide by the Policy. Staff and volunteers are expected to inform visitors of the Policy. However, they are not expected to enter into any confrontation that may put their personal safety at risk.

Staff

Staff are only permitted to smoke whilst off duty (in official break times only) and are only permitted to smoke in unenclosed designated areas.

Vehicles

Smoking and vaping is not permitted in vehicles belonging to or leased by HACT nor staff or volunteer private vehicles, if ever used to carry members of staff or members of the public, whilst carrying out the duties of an employee.

Support for Smokers

Information on stopping smoking with support from local cessation services will be provided for smokers. The NHS Smoking Helpline number is 0800 169 0 169. The helpline can offer advice and support on stopping smoking, along with a website at www.givingupsmoking.co.uk.

Sales of Tobacco Products

It is a criminal offence for anyone to sell, transport or possess illegal tobacco products. Penalties for such offences may include imprisonment and/or fines including fines of up to £5,000 for any organisation allowing their premises to be used for such activities.

The selling/storing and dealing in any way of illegal cigarettes, e-cigarettes and tobacco on HACT premises or vehicles or whilst staff or volunteers are carrying out their duties will not be tolerated.

HACT will fully co-operate with law enforcement agencies, such as *HM Revenue & Customs*, in their investigations. Any such illegal activity will be considered as gross misconduct and will result in appropriate disciplinary action.



Implementation of the Policy

Staff, whether employed or voluntary, are personally responsible for complying with this Policy. Responsibility for implementing this Policy rests with the Management Committee. To ensure that everyone understands that smoking is only allowed in designated areas away from buildings, clear signs will be displayed.

Tenders and contracts will stipulate adherence to this Policy as a contractual condition. Job advertisements will include reference to the smoke-free policy and indicate that adherence to it will form part of the contract of employment.

Disciplinary Action

Any member of staff or volunteer refusing to observe the policy by smoking in unauthorised areas will be liable to disciplinary action in accordance with HACT Disciplinary Policy.

All staff and volunteers have a role to play in enforcing the Policy and are required to deal with any observed or reported breaches. If staff or volunteers feel apprehensive about their own safety in regard to addressing any breach they should seek the support of the management Committee, however, primary emphasis should be placed on prevention of such situations arising.

In the event of a breach of the Policy by a visitor or staff member of other organisations, they should be asked to extinguish all smoking materials and be informed of the availability of external smoking areas. If they continue to smoke the matter should be referred to the Management Committee. In the event that staff of other organisations continue to breach the Policy, the appropriate organisation should be advised in writing of the consequences of breaching these requirements.

Monitoring and Reviewing

The following will be monitored:

- that prospective employees and volunteers are advised of the Policy;
- that the Policy forms part of the induction programme;
- that discarded smoking materials are disposed of safely.

Halesworth Area Community Transport
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References

1. *National Clean Air Award (2004) Model Smoking Policy at www.cleanairaward.org*

HACT policies are reviewed annually and their effectiveness is measured during day to day monitoring of HACT work and any changes are made and communicated as necessary.

Signed on behalf of Halesworth Area Community Transport Trustees:

Signed.....*JMHowell*.....

Position.....Operational Manager.....

Dated.....24/01/2023.....

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