



Smoking At Work Policy Reference Number : PKC001

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Version Control

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January 2018	Review	
December 2022	Complete Review	Updated language and transpose into new policy template.

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Introduction

The [Smoking, Health and Social Care \(Scotland\) Act 2005](#) banned smoking in public places, including workplaces and work-related vehicles, to protect people from the health risks of passive smoking. Smoking is known to cause diseases including cancers, heart disease and contributes to fertility problems and early menopause. Second hand smoke is known to cause the same health hazards as smoking and as such, non-smokers must be protected from breathing in passive smoke. The Council is committed to minimising any risk to employee health as far as is reasonably practical, and this includes protecting individuals from the risks of passive smoking. This commitment seeks to ensure that no Perth & Kinross Council Elected Member or employee will be unwillingly subjected to the effects of smoking during the conduct of their duties.

The Council shall provide a range of appropriate support measures and advice for individuals who wish to stop smoking. However, the Council recognises the rights of individuals who choose to smoke and will endeavour to provide suitable facilities for those who choose to smoke at work.

Consultation/Agreement process

This is a Council Policy which has been subject to consultation with the relevant Trades Unions. Any review or amendment by the Council will be following consultation with the Trades Unions.

Services, employees and representative groups such as established Staff Networks have had the opportunity to contribute to the development of the policy and associated guidance.

Perth and Kinross Council have a number of externally awarded accreditations and the design of this policy has been undertaken considering the requirements of these.

Application

Perth and Kinross Council aim to deliver fair work that offers all our employees an effective voice, opportunities, security, fulfilment, and respect and that balances the rights and responsibilities of employers and workers. The development and implementation of our policies is fundamental to this.

This policy applies to Elected Members, Employees, Volunteers, Service Users and visitors to Council premises. Visitors include Contractors carrying out work on behalf of the Council at Council premises.

It is applied regardless of:

- length of service
- protected characteristic – there shall be no discrimination on grounds of age, sex, disability, race, religion, sexual orientation, gender reassignment, marital or civil partnership status or pregnancy or maternity status
- caring responsibilities
- care experience
- military experience

Scope

Individuals covered by this policy may not smoke in any workplace. A workplace is defined in the [Workplace \(Health, Safety & Welfare\) Regulations 1992](#) as “... any place within the premises to which any person has access while at work”. A workplace, for the purposes of this policy, also includes Council-owned vehicles when such vehicles are being used on Council business. The Council recognises the right of an individual to refuse to travel in a privately owned vehicle on Council business if smoking is to be permitted in the vehicle. Employees who are required to carry out their duties in buildings which are out with the direct control of the Council are jointly responsible with the Council for minimising their own exposure to risk factors such as smoke.

For the purposes of this policy, the definition of smoking includes all tobacco-based products as well as any Nicotine Vapour Products (electronic cigarettes) regardless of their content.

Principles and Procedure

It is the responsibility of each service to implement this policy within their own workplace. Where buildings or vehicles are shared it will be the responsibility of the member of staff nominated as having control of the building or vehicle to co-ordinate with all occupants and members of public.

Smoking is prohibited in all premises and vehicles used by Perth and Kinross Council and will only be permitted in designated outdoor smoking areas. These areas must comply with section 4 of the [Smoking, Health and Social Care \(Scotland\) Act 2005](#). Where no designated smoking area exists, individuals covered by the terms of this policy may go out with the Council building to smoke. However, no smoking should take place adjacent to entrances to buildings or where they are in view of service users or members of the public. Individuals wishing to smoke during working hours should use their authorised personal breaks in accordance with the [Guidance on Personal Breaks](#). No additional paid time will be granted to employees who wish to smoke during working hours.

Managers have a responsibility to operate within the boundaries of this policy, to ensure that all employees understand the standards of behaviour expected of them and to take appropriate action whenever behaviour falls below its requirements.

All employees are responsible for informing visitors of the policy and reporting any breach of the policy to the appropriate line manager.

The Council recognises that many employees want to quit smoking and is committed to supporting them, information about stopping smoking can be found on the [Wellbeing](#) page on eric.

The NHS also offer free nicotine replacement therapy (NRT); this can be arranged directly by signing up to a smoking cessation scheme at a community pharmacy or through your GP.