



## SMOKE FREE WORKPLACE POLICY

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<b>Policy Owner</b>	Assets Manager
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<b>Related Policies</b>	Health and Safety Policy

# Smoke Free Workplace Policy

## 1. Introduction

This policy document refers to the relevant legislation, its implications and the measures which Libraries NI has put in place to manage a smoke free workplace.

## 2. Purpose

The Smoking (NI) Order 2006 came into effect from Monday 30 April 2007. The legislation requires that all “enclosed” and “substantially enclosed” workplaces, public places and certain vehicles are smoke free. All Libraries NI premises are therefore required to be smoke free workplaces and this policy sets out the approach Libraries NI takes to complying with these requirements.

Vehicles which are used as places of work or used by members of the public are also required to be smoke free from Monday 30 April 2007.

## 3. Policy

### 3.1 Requirements

As a general principle the right to have a smoke free working environment is contained in the Smoking (Northern Ireland) Order 2006. Libraries NI as an employer recognises and accepts its duties under this Order. In recognition of these duties Libraries NI will;

- establish a clear policy on a smoke free environment in premises, public places and certain vehicles;
- provide guidance to all managers and controllers of premises and vehicles to ensure a smoke free environment;
- provide support to staff who wish to stop smoking;
- take reasonable /appropriate action to ensure compliance with the duties under the Smoking (Northern Ireland) Order 2006.

### 3.2 Other premises

Where Libraries NI is not the sole occupier or landlord, it will consult with all parties to introduce an agreed policy for the whole building. Where this is not possible this policy will apply to the areas used by Libraries NI staff.

### **3.3 Smoking restrictions**

Smoking including the use of electronic (e) cigarettes<sup>1</sup> will be prohibited in all “enclosed” or “substantially enclosed” premises, public areas and certain vehicles.

Premises are “enclosed” if they have a ceiling or roof and except for doors, windows and passageways they are – wholly enclosed, either permanently or temporarily.

Premises are “substantially enclosed” if they have a ceiling or roof but there is an opening or an aggregated area of openings in the walls which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises. In determining the area of opening or an aggregate area of the openings, no account is taken of openings in which there are doors, windows or other fittings that can be opened or shut.

“Certain vehicles” are those which are used for the transport of members of the public or a section of the public and vehicles which are used for work by more than one person (even if the persons who work there do so at different times or only intermittently).

For the purposes of this policy a private vehicle is deemed to be a place of work if any employee uses it to carry out Libraries NI business and is in receipt of payment for its use. However, employees may smoke in their own cars while on Libraries NI business provided they are not accompanied by another member of staff.

A no smoking clause, to include the use of e-cigarettes, is to be included in all contracts likely to involve contractors working in Libraries NI premises, including private taxi hire vehicles.

Smoking will not be permitted at/in:

- entrance/exits to and from buildings
- locations where other statutory restrictions apply eg: fuel storage, gas storage
- areas where smoking could constitute a serious fire risk as identified in a Fire Risk Assessment survey;
- Libraries NI vehicles

### **3.4 Facilities for a person to smoke**

Entrances and exits are defined as doorways and associated canopies. The policy requires that smoking will only be permitted in designated outside areas. The perimeters of the entrance/exit area will be determined locally by the Managers of the premises.

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<sup>1</sup> Although not specifically covered in the original legislation Libraries NI affords e-cigarettes the same restrictions as tobacco,

Fire and Emergency exits are defined as doorways which are identified by a FIRE and EMERGENCY EXIT sign.

There is no requirement within the Smoking (Northern Ireland) Order 2006 to provide facilities for a person to smoke. The aim of the legislation is to ensure that “enclosed” and “substantially enclosed” workplaces and public place are completely smoke free.

Smoking may only take place in areas outside the “enclosed” and “substantially enclosed” areas which are not subject to the restrictions outlined in Section 4 of this policy.

There are no rooms in Libraries NI premises designated as smoking rooms.

### **3.5 Assistance for smokers**

It is hoped that the total ban on smoking, including the removal of any remaining on-site smoking facilities, will encourage staff to consider giving up smoking. In order to support those individuals who wish to stop smoking, advice is available through a range of information channels including leaflets, posters, team briefs and the Libraries NI official website and other websites.

Support measures available to staff will include the following:

Health and Wellbeing Services through Libraries NI Human Resources Department. Contact Lorraine Hart, email – [lorraine.hart@librariesni.org.uk](mailto:lorraine.hart@librariesni.org.uk) or VoIP - 6422 4018.

Public Health Agency want2stop website – <http://www.want2stop.info/>

### **3.6 Non-observance sanctions**

Management is anxious to ensure that smokers realise the full impact of this policy and in particular that observance of the policy is an important health and safety rule. Single breaches which do not indicate a clear intention on the part of an employee to ignore the policy will, in the first instance, be regarded as a minor infringement which will be dealt with by informal warning from the line manager. Recurrence will be regarded as misconduct and will be dealt with in accordance with the established Disciplinary Procedure with due regard to the particular circumstances.

Where an employee directly and obviously places lives or property at immediate risk or breaches any legislative or public interest provision eg: smoking near clearly marked flammable area/material, this may be regarded as gross misconduct which could warrant dismissal.

### **3.7 Monitoring**

The policy will be subject to regular monitoring and will be reviewed by March 2022 by the Assets Manager.

### 3.8 Consultation

This Smoke Free Workplace policy was reviewed and agreed by all the recognised Trade Unions on 22 March 2019.

### 4. Authority

**Policy Sponsor:** The Director of Business Support has responsibility for developing policy

**Policy Owner:** The Asset Manager has responsibility for the policy area and for implementation and review of the policy to ensure it is accurate and reflects current needs and practice

**Policy Contact:** The Asset Manager has responsibility for delivery of the policy

### 5. Related Documents

- Health and Safety Policy