

## 7.06 Smoking

This policy sets out the NICS Policy on Smoking in the workplace.

- The policy highlights the fact that there is now a total ban on smoking in all NI Departmental premises – Section 4.1 General
- The ban also applies to anyone working or visiting on NI Department premises including staff, consultants, contractors, visitors and members of the public – Section 4.4 Persons Covered by the Ban
- Managers are made aware of the procedures when dealing with those who breach the ban – Section 4.5 Breaches of the Ban
- It offers help and support to staff who may wish to give up smoking – Annex 1

**The following terms within this policy are defined in the glossary:**

There are no defined terms associated with this policy.

**You may also be interested in the following policies:**

### 7.02 Staff Welfare

This policy is version 2.

For a printable version please click the icon. Please make sure that your printed version is current with the one on this portal.

This homepage is only a guide to the policy, not the policy itself. In the event of any discrepancy between the content of this homepage and the associated policy, the wording of the policy shall apply.

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# 7.06 Smoking Policy

## 1 Introduction

This section sets out the NICS Policy on Smoking in the workplace, which was introduced on 1 January 2005.

## 2 Principles

2.1 The Health and Safety at Work (NI) Order 1978 requires an employer to ensure that as far as is reasonably practicable, the working environment is safe, without risks to health and adequate as regards facilities and arrangements for the welfare of employees (and that of others) and employers must co-operate with others in discharging their obligations under the Order.

2.2 Evidence about the risks associated with environmental tobacco smoke (ETS) continues to accumulate and in view of the health and safety obligations imposed on employers to provide a safe working environment without risks to the health of staff, a total ban on smoking in all NI Departmental premises has been effective from the above date.

## 3 Legal Context

3.1 The introduction of a total ban on smoking in Government premises does not constitute a variation of the contractual terms under which you as an existing NI Civil Servants are employed. On joining the NICS, you will have been advised in your letter of appointment that the appointment is governed by the terms and conditions of employment contained in the NICS Staff Handbook/NICS Pay and Conditions of Service Code and, significantly that 'such conditions may be subject to change and any changes in those conditions of service will be notified to you directly, or in circulars issued by the Department of Finance and Personnel.

3.2 As staff who currently smoke within the designated smoking areas have no contractual entitlement to take time off to do so, the introduction of a total ban on smoking is contractually permissible.

3.3 It is a legal duty for public authorities to comply with the rights and freedoms of individuals guaranteed under the European Convention on Human rights. Health is a fundamental human right and the views of those who wish to breathe air free from tobacco smoke should take precedence over those of people who choose to smoke. It is recognised that a no smoking policy may make life at work harder for the smoking employee, but the safety and welfare of the majority of non-smoking employees is paramount.

3.4 The smoking ban is aimed at ensuring under the Health and Safety Order 1978 that NI Department staff are protected from the harmful effects of smoke and that as an employer, Departments are not exposed to legal action with regard to passive smoking.

## **4 NICS Policy**

### **4.1 General**

The total ban on smoking in all NI Departmental premises took effect from 1 January 2005. The policy extends to:

- a. accommodation occupied solely by employees of NI Departments, irrespective of whether it is Government property or leased accommodation;
- b. entrance/exit areas to and from office buildings, including all fire and emergency exits;
- c. outdoor areas such as forests and fuel depots where other health and safety constraints apply and where smoking would obviously create a serious fire risk; and
- d. the cabs or other enclosed areas of all government vehicles including official cars, vans, lorries, sea-going vessels and the like.

In addition, if you are travelling in a private car on official business you should refrain from smoking when travelling with a non-smoking colleague. Departments when booking conference/seminar facilities should also ensure, as far as reasonably practicable, that the venue operates a non-smoking policy.

### **4.2 Entrance/Exit Areas**

4.2.2 The perimeters of the entrance/exit areas are determined by the Department with premises responsibility for the building in consultation with local Trade Union Side. Appropriate signage should be placed indicating the boundaries of the respective entrance/exit areas and cigarette receptacles will be suitably placed outside these areas. Where premises are shared this will have been done in consultation with other occupiers and, where necessary, landlords.

### **4.3 Other Premises**

4.3.1 Where NI Departments are not the sole occupiers or landlord, efforts should be made to introduce an agreed policy aimed at banning smoking in the whole building and if this is not possible, controlling it in relation to common areas, such as reception and lifts, used by NI Department staff.

#### **4.4 Persons Covered by the Ban**

4.4.1 The ban on smoking applies to anyone working or visiting on NI Department premises including staff, consultants, contractors, visitors and members of the public.

4.4.2 A no smoking clause is included in all contracts likely to involve contractors working in Government premises.

4.4.3 Leaving the premises to smoke is not permitted outside of your lunch time period.

#### **4.5 Breaches of the Ban**

4.5.1 Managers must deal with people who breach the ban by smoking in areas covered by the ban by the following means:

- a. Members of Staff
  - i. if you are found to be breaching the ban your manager must deal with it immediately. If you abuse or ignore the ban you will be given an informal disciplinary warning that such conduct will not be tolerated. Any further breaches will be dealt with in accordance with the Conduct and Discipline sections of the Staff Handbook;
  - ii. your manager must also alert your local Line Manager, Premises Officer or, if appropriate, senior management to the situation; and
  - iii. a record of all action taken will be kept. This will include a note of all discussions/interviews with you.
- b. Contractors, Members of the Public, Visitors, and the like
  - i. The restrictions on smoking apply to anyone using the premises. All visitors must comply with the policy and those who refuse to refrain from smoking should be asked to leave the building. Departments should already have procedures in place for dealing with a visitor/member of the public who refuses to leave.
  - ii. Contract staff should be reminded that a no-smoking clause is included in the terms of the contract authorising their presence on the premises.

#### **4.6 Support Measures**

4.6.1 In order to support those individuals who wish to stop smoking, Departments will provide advice and assistance through, for example, leaflets, posters, in-house magazines and Intranet/Internet sites. Details of help and support services available are set out at Annex 1.

**Help And Support**

- the NICS Occupational Health Service (OHS) <http://ohs.psn-ni.gov.uk>;
- the NICS Workplace Health Improvement Programme, which offers practical advice on maintaining a healthy lifestyle;
- Welfare Services;
- GPs, through whom Nicotine Replacement Therapy might be prescribed where appropriate, or Smoking Cessation classes/clinics via Area Health Board Coordinators;
- the DHSSPS – funded Free Telephone Helpline Service on 0800858585;
- pharmacies, and
- the Health Promotion Agency Website  
[www.healthpromotionagency.org.uk/Work/Tobacco/Menu.htm](http://www.healthpromotionagency.org.uk/Work/Tobacco/Menu.htm).