

# JOINT NEGOTIATING COUNCIL FOR THE EDUCATION AND LIBRARY BOARDS

14 August 2014

**To: Chief Executives  
Council Members  
MSO/TUSO**

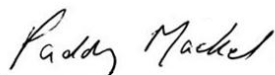
## **Council Circular No. 33 (Revised)**

### **Smoke Free Workplace**

The Joint Negotiating Council at its meeting held on 12 June 2014 agreed the attached revised policy on a Smoke Free Workplace. The policy, which takes account of the recent introduction of Electronic Cigarettes, has been effective from 30 April 2007.



Management Side Secretary  
J Curran



Trade Union Side Secretary  
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Trade Union Side Secretary  
T Trainor

## EDUCATION AND LIBRARY BOARD

### SMOKE FREE WORKPLACE POLICY

#### 1. INTRODUCTION

- 1.1 The Smoking (Northern Ireland) Order 2006 came into effect on Monday 30 April 2007. This legislation requires that all “enclosed” and “substantially enclosed” workplaces, public places and certain vehicles are smoke free. All Board premises, including schools, were required to be smoke free from that date.
- 1.2 Vehicles which are used as places of work or used for transporting members of the public were also required to be smoke free from Monday 30 April 2007.

#### 2. GENERAL PRINCIPLES

- 2.1 As a general principle the right to have a smoke free working environment is contained in the Smoking (Northern Ireland) Order 2006. The Board as an employer recognises and accepts its duties under this order. In recognition of these duties the Board will:
- 2.1.1 establish a clear policy on a smoke free environment in premises, public places and certain vehicles;
  - 2.1.2 provide guidance to all managers and controllers of premises and vehicles to ensure a smoke free environment;
  - 2.1.3 provide support to staff who wish to stop smoking;
  - 2.1.4 take reasonable/appropriate action to ensure compliance with the duties under the Smoking (Northern Ireland) Order 2006.

#### 3. OTHER PREMISES

- 3.1 Where the Board 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 Board staff.

#### 4. SMOKING RESTRICTIONS

- 4.1 Smoking will be prohibited in all “enclosed” or “substantially enclosed” premises, public areas and certain vehicles.
- 4.2 The use of electronic (e) cigarettes was not covered in the legislation as they did not exist at that time. However, this policy affords e-cigarettes the same restrictions as tobacco, for the following reasons:
- the safety of e-cigarettes has not been scientifically demonstrated as the chemicals used have not been fully disclosed and there is no adequate data on their emissions;
  - there is a lack of peer-reviewed evidence on their value in helping smokers cut down or stop;

- concerns that e-cigarettes might reinforce the smoking habit as they are designed to closely mimic smoking actions  
<http://bma.org.uk/search?query=e%20cigarettes>

- 4.3** 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.
- 4.4** 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.
- 4.5** “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).
- 4.6** For the purposes of this policy a private vehicle is deemed be a place of work if any employee uses it to carry out Board business and is in receipt of payment for its use. However, employees may smoke in their own cars while on Board business provided they are not accompanied by other staff.
- 4.7** A no smoking clause, to include the use of e-cigarettes, is to be included in all contracts likely to involve contractors working in Board premises, including private taxi hire vehicles.
- 4.8** Smoking will not be permitted at/in:
- 4.8.1** entrance/exits to and from buildings;
  - 4.8.2** locations where other statutory restrictions apply e.g. fuel storage, gas storage;
  - 4.8.3** areas where smoking could constitute a serious fire risk as identified in a Fire Risk Assessment survey;
  - 4.8.4** Board vehicles.
- 4.9** 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 by the Managers of the premises.
- 4.10** Fire and Emergency exits are defined as doorways which are identified by a FIRE and EMERGENCY EXIT sign.

**5. FACILITIES FOR A PERSON TO SMOKE**

- 5.1 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 places are completely smoke free.
- 5.2 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.
- 5.3 There are **no** rooms in Board premises designated as smoking rooms.

**6. ASSISTANCE FOR SMOKERS**

- 6.1 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 Board’s official website and other websites.
- 6.2 As stated in paragraph 4.2, there is a lack of peer-reviewed evidence on the value of e-cigarettes in helping smokers cut down or stop.
- 6.3 Support measures available to staff will include the following:
  - 6.3.1 Welfare Services through the Board’s Welfare Section. Contact .....
  - 6.3.2 Public Health Agency want2stop website – <http://www.want2stop.info/>
  - 6.3.3 Stop Smoking advice available on the Cancer Focus NI website <http://cancerfocusni.org/what-we-do/improve-your-health/smoking/>
  - 6.3.4 The NI Smoker’s Helpline – 0808 812 8008.

**7. NON OBSERVANCE SANCTIONS**

- 7.1 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.
- 7.2 Where an employee directly and obviously places lives or property at immediate risk or breaches any legislative or public interest provision e.g. smoking near clearly marked flammable area/material, this will continue to be regarded as gross misconduct warranting summary dismissal.

**8. MONITORING**

- 8.1** The policy will be subject to regular monitoring and will be reviewed by December 2015 and yearly thereafter by Human Resources and the Health and Safety Section.

**9. EQUALITY**

- 9.1** This policy has been screened in accordance with the Boards' Equality Schemes.