

## **SMOKE FREE POLICY**

Date policy adopted: 01/04/2011

Date of last review: 01/06/2021

### **1. Purpose and Scope**

The Commissioner (ESC) is committed to providing a safe and healthy working environment for all employees. Part of this commitment includes minimising the risks caused by passive smoking. With these commitments and legal responsibilities in mind, the policy has been developed to protect all building users from exposure to second-hand smoke and to assist compliance with the Smoking, Health and Social Care (Scotland) Act 2005.

This policy applies to all employees regardless of working pattern or nature of employment contract. It also applies to anyone working within the premises of and / or for the Commissioner (for example sub-contractors, consultants, secondees from another organisation or agency staff). The word employee(s) in the context of this policy should be taken to mean all such individuals, unless specifically referred to as being directly employed by ESC.

### **2. Policy Statement**

It is the policy of ESC that all of our enclosed workplaces, as well as certain other areas in the immediate vicinity, are smoke-free. Employees may not therefore smoke within Thistle House, including the car park, delivery service area, main public entrance, other doorways and fire exits.

As E-cigarettes are relatively new, and the risks to users and those around them have not been fully established, and concerns have been expressed by senior public health officials that their use could perpetuate the idea that smoking is acceptable in public areas, the use of E-cigarettes is subject to the same restrictions as smoking.

### **3. Implementation, monitoring and review of the policy**

Overall responsibility for policy implementation, monitoring and review lies with ESC. Everyone covered by the scope of the policy is obliged to adhere to, and facilitate implementation of the policy. Appropriate action will be taken to inform all new and existing employees and others covered by the scope of the existence of the policy and their role in adhering to it. The policy will be reviewed at such times as legislation or a change to the ESC policy position requires it. The policy will be made available to the general public.

Appropriate 'No Smoking' signs will be clearly displayed at the entrances to and within the premises.

Any complaint can be made to Facilities Management on 0131 240 1881.

### **4. Expectations**

Employees can choose to leave the office if they wish to smoke in their own time during a designated break. There is a designated sheltered area which is located outside via the basement car park. Employees using this designated area should only smoke in the vicinity of the bin provided. The bin has been placed away from the building in order to prevent any smoke permeating through the windows of those offices that face on to the area. Care should be taken when walking from the car park to the sheltered area as the vehicle entry to the car park and delivery area is in constant use and employees should also be considerate of the impact of noise levels on those working in rooms next to the designated area.

Any employee who decides to leave Thistle House to smoke should move a reasonable distance away from the buildings and ensure that they do not get in the way of others or drop any litter.

If working at a remote location, or in attendance at a work related event, it is also expected that employees will show the same level of respect at that location, by smoking only in any designated smoking area, or at a reasonable distance away from any building, ensuring that incumbents of the building are not affected by the smoke or noise and all litter is removed.

## 5. Breaches of the Policy

Anyone who does not comply with this policy, and is directly employed by ESC, may be subject to disciplinary action as set out in the disciplinary procedures.

Any other person covered by this policy, and found not to comply, will be reported to the relevant office/employer. This may also result in ESC terminating any contract which has been affected by the breach.

Further, since it is against the law to smoke in enclosed public places, anyone found breaching the policy may also be liable to a fixed penalty fine and possible criminal prosecution.

### Equality Impact Assessment

Does this policy comply with the general Public Sector Equality Duty (s149 Equality Act 2010)?

This policy applies to all employees, contractors and visitors to ESC premises. Its impact was considered when drafting. We consulted with all employees prior to publication to identify and address any issues.

### Data Protection Impact Assessment

Have we considered any effect the policy may have on the collecting, processing and storing of personal data?

This policy is a policy statement document and will not generate any records.

### Information Security Impact Assessment

Have we considered the impact any policy may have on our cyber-resilience?

This policy should have no impact on our cyber-resilience.

### Records Management Impact

Have we considered the impact any policy may have on our ability to manage our records?

This policy should have no impact on our ability to manage our records.

Version	Description	Date	Author
1.0	First draft	01/06/21	Public Appointments Officer
1.1	Update to phone number	16/05/2023	Corporate Services Officer