



<b>Title</b>	<b>Smoke Free Policy</b>
<b>Purpose</b>	<p>Maryhill Housing is committed to providing a safe and healthy environment. This has resulted in a revision of the current Smoking Policy to make sure it is current and adheres to a smoke free environment within the workplace. Maryhill Housing has a legal duty to comply with smoking legislation under the Smoking, Health and Social Care (Scotland) Act 2005.</p> <p>Smoking remains a leading cause of preventable disease and premature death in our community. Smoking accounted for an estimated 9,275 deaths (300 deaths per 100,000 population) in those aged 35 and over in Scotland.<sup>1</sup> There are over 100,000 . smoking-related hospital admissions every year in Scotland. Tobacco use is associated with stillbirths and infant deaths, childhood respiratory diseases, and communicable as well as non-communicable diseases in adulthood. As the cause of one in five deaths, smoking represents the chief threat to Scotland's public health. Smoking rates in the most deprived areas are highest making smoking a key health inequality<sup>2</sup> challenge.</p> <p>This policy will set out Maryhill Housing's standards and expectations in relation to this and the level of support that will be available for those that may require it.</p>
<b>Scope</b>	<p>This policy to ensure that we promote healthy behaviours and minimise the risk of harm to others from passive smoking.</p> <p>This policy applies to all employees, workers, agency workers and volunteers at Maryhill Housing.</p> <p>Smoking or Nicotine Vapour Products (NVP) or e-cigarettes is not allowed on Maryhill Housing premises the details of which include:</p> <ul style="list-style-type: none"> <li>• All buildings e.g., offices, including all satellite offices, common or work areas, including vehicles owned, leased, or hired by the organisation.</li> <li>• Private cars used to transport colleagues, clients, or visitors in relation to business are also covered by this policy.</li> <li>• All grounds except in designated smoking areas or in any place that is not covered by the smoking ban.</li> <li>• When smoking outside in a designated area you must dispose of cigarette butts and other litter appropriately and</li> </ul>

<sup>1</sup> [Smoking attributable deaths - ScotPHO](#)

<sup>2</sup> [Chapter 4 Smoking - Scottish Health Survey 2018: main report - revised 2020 - gov.scot \(www.gov.scot\)](#)

	<p>only use the bins provided. Cigarette butts and other associated litter should not be disposed of on Maryhill grounds/offices or properties.</p>
<p><b>Definitions</b></p>	<p>For purposes of this <b>policy</b>, “smoke” means tobacco smoke, any substance or mixture which includes it or any other substance or mixture; and a person is to be taken as smoking if the person is holding or otherwise in possession or control of lit tobacco, of any lit substance or mixture which includes tobacco or of any other lit substance or mixture which is in a form or in a receptacle in which it can be smoked. Also, for the purposes of this policy e-cigarettes are classed as smoking and are prohibited under the same scope as non-e-cigarette smoking.</p>
<p><b>Policy Statement</b></p>	<p><b>Policy Aims</b></p> <p>The aim of this Policy is to create a smoke free, healthy and safe environment for staff and customers to work and visit.</p> <p>This policy aims to:</p> <ul style="list-style-type: none"> <li>• Clarify Maryhill Housing’s position on smoking and how we look to create a smoke free environment.</li> <li>• Explain the legal obligations of Maryhill Housing as set out under the Smoking, Health and Social Care (Scotland) Act 2005.</li> <li>• Guarantees all employees, workers, contractors, customers, visitors, staff from other agencies, governing body members and members of the public, air free of tobacco smoke within all premises of Maryhill Housing.</li> <li>• Smokers who want to stop will be offered stop smoking support; those experiencing withdrawal will be treated in a supportive way.</li> <li>• Details how Maryhill Housing will deal with non-observance of smoking restrictions in relation to employees, customers, visitors and contractors.</li> <li>• Clarify the circumstances in which disciplinary procedures will be instigated.</li> </ul> <p><b>Policy Conditions</b></p> <p><b>Passive smoking exposure out with the organisation’s premises</b></p> <p>As per Maryhill Housing’s Health and Safety Control Manual, section 3.12 (1.4) “Where employees are exposed to passive smoke out with company premises or vehicles while on company business, they will be entitled to request a smoke-free environment in which to continue their business. Where no such environment is available, the employee will be entitled to cease work within the property/location. In such circumstances, the employee will report such situations to their Line Manager without delay, who will take the appropriate action”.</p>

## **General Data Protection Regulations**

MH will treat your personal data in line with our obligations under the current data protection regulations and our own Data Protection policy. Information regarding how your data will be used and the basis for processing your data is provided in MH's employee privacy notice.

In circumstances where the MH's disciplinary procedures are instigated in relation to this policy, the outcome may include dismissal.

## **Legal Framework**

Scotland is seen as a world leader in legislating and implementing effective tobacco control policies. In particular these policies include:

- the Smoking, Health, and Social Care (Scotland) Act 2005, legislated to ban smoking in enclosed premises, workplaces and work vehicles.
- legislation to increase the age of sale of tobacco from 16 to 18.
- new restrictions on the sale and display of tobacco products.
- the first tobacco retail register in the UK.

The Act also makes non-compliance a criminal offence and imposes fines of £50 for individuals and £200 for managers/owners who allow smoking within their premises and/or fail to display warning notices and/or fail to stop employees, customers and visitors from smoking.

Refusal or failure to pay may result in prosecution and a fine of up to £2,500. The law is enforced by the Environmental Health Officers who can inspect any non-smoking premises unannounced and impose fines on individuals and employers.

## **Health & Safety at Work Act 1974**

The act imposes a general duty on employers to ensure health, safety and welfare at work for their employees or workers. As a result, employers must resolve complaints from their employees or workers about their health and welfare being put at risk from working in a smoky environment.

## **Health and Safety (Workplace) Regulations 1992**

The regulations require employers to ensure that there are arrangements in place to protect non-smokers from discomfort caused by tobacco smoke in rest areas.

## **Implementation**

- The person responsible for ensuring compliance with the policy is the Performance and Governance Manager.

- The main policy provisions will be clearly displayed at the entrance to our premises.
- The No Smoking signs will be clearly displayed in our premises including company cars.
- Maryhill Housing has no smoking areas or ashtrays within its premises.
- Non-compliance with Maryhill Housing's Smoke-Free Policy will be dealt with by following procedures outlined below. Maryhill Housing also wishes to stress that the non-compliance with the smoking law is a criminal offence as per the Smoking, Health and Social Care (Scotland) Act 2005 and that fines and prosecution may be applied to individuals and employers by the Environmental Health Officers.
- Maryhill Housing will not hold tobacco-related investments or accept sponsorship or donations from tobacco companies.
- Smoking will only be allowed in designated areas. Smoking out with these areas will be regarded as a breach of this policy.
- Maryhill aims to provide a smoke-free environment for all staff and visitors, however if staff are to smoke it should only be done in designated areas only and where reasonably possibly kept to lunch times. Any smoking breaks out with lunch times should be reasonable and kept to a minimum not to impact the business. This also applies to the use of e-cigarettes. Any excessive taking of breaks will be monitored and reviewed by your line manager and a breach of policy will invoke the disciplinary process.
- Any questions, comments or concerns regarding the Smoke Free Policy should be raised with the Performance and Governance Manager. Breaches of the policy should be reported to your line manager.

### **Non-Compliance**

All employees, workers, contractors, customers, visitors, staff from other agencies, Board members and members of the public are informed that Maryhill Housing operates a Smoke-Free Policy in all its premises, developed to ensure a safe working environment. The displayed No Smoking signs are designed to inform and remind everyone of this. Any person not complying commits an offence towards the organisation as well as the law. It is therefore our intention to enforce this policy and impose sanctions on people that choose not to comply with it.

The Smoke-Free Policy applies to all employees and workers across the organisation. It is the responsibility of employees and workers to adhere to this policy. Line managers are responsible for enforcing the policy and will be trained on implementation issues. Any acts of non-compliance with this policy will be dealt with in accordance with Maryhill Housing's Disciplinary Procedures. For employees, a refusal to comply with the Smoke-Free policy and the associated legislation will be treated as misconduct or gross misconduct, dependent on the coverage of the Smoking Ban in external workplace areas, and the

	<p>presence of any flammable materials present inside or outside the premises.</p> <p>Breaches of the Smoke-Free Policy with reference to health and safety procedures or legislative provisions will attract the appropriate level of discipline up to and including dismissal. This measure is to ensure the provision of a safe working environment as well as compliance with the law.</p> <p>Any contractor, customer, visitor, staff from other agencies or other members of the public who refuses to comply with the provisions of the Smoke-Free policy will be asked to leave the premises immediately. Further refusal will result in the withdrawal of contracts with individual contractors, as well as informing their employers of their non-compliance, the potential withdrawal of services to our customers and barring visitors or members of the public from our premises.</p> <p>Persistent refusal will trigger an application of our normal procedure for dealing with antisocial behaviour. Board members who refuse to refrain from smoking in accordance with the Smoke-Free Policy would be dealt with in accordance with their Code of Conduct.</p> <p><b>Cessation Support</b></p> <p>Maryhill Housing recognises that passive smoking adversely affects the health of all employees. However, it does recognise that the Smoke-Free Policy can impact on smokers' working lives.</p> <p>In an effort to help employees adjust to the changes they will be supported through:</p> <ul style="list-style-type: none"> <li>• Being encouraged to seek advice on modifying their smoking behaviour or quitting smoking.</li> <li>• Supplies of self-help information will be made available on request.</li> <li>• As a part of Maryhill Housing's Healthy Working Lives group more information and events will be put in place to support those affected by smoking</li> <li>• Access to relevant channels to access support on stopping smoking:</li> <li>• <a href="https://www.nhsinform.scot/healthy-living/stopping-smoking">https://www.nhsinform.scot/healthy-living/stopping-smoking</a></li> <li>• Quit Your Way - NHS 24: 0800 84 84 84 Monday to Friday 9am – 5pm <a href="https://www.nhs24.scot/our-services/quit-your-way-scotland/">https://www.nhs24.scot/our-services/quit-your-way-scotland/</a> Webchat open during these time subject to advisor availability.</li> <li>• How to stop smoking and stay stopped . <a href="#">Booklet here</a></li> <li>• <a href="http://www.nhs.uk">Quit smoking - Better Health - NHS (www.nhs.uk)</a></li> </ul>
<b>Approval</b>	Senior Management Team – 14 <sup>th</sup> March 2023
<b>Policy Owner</b>	Arlene McLaughlin, HR Manager

**Review**

This policy will be reviewed every 3 years and/or updated in line with changes in legislation.

## APPENDIX A

### **‘NO-SMOKING PREMISES’ (as listed in Schedule 1 to the Regulations)<sup>3</sup>**

Those premises which fall within the scope of the legislation, having been classed as ‘no-smoking premises’, are:

1. Restaurants.
2. Bars and public houses.
3. Shops and shopping centres.
4. Hotels.
5. Libraries, archives, museums and galleries.
6. Cinemas, concert halls, theatres, bingo halls, gaming and amusement arcades, casinos, dance halls, discotheques and other premises used for the entertainment of members of the public.
7. Premises used as a broadcasting studio or film studio or for the recording of a performance with a view to its use in a programme service or in a film intended for public exhibition.
8. Halls or any other premises used for the assembly of the public for social or recreational purposes.
9. Conference centres, public halls and exhibition halls.
10. Public toilets.
11. Club premises.
12. Offices, factories and other premises that are non-domestic premises in which one or more persons work.
13. Offshore installations.
14. Educational institution premises.
15. Premises providing care home services, sheltered housing or secure accommodation services and premises that are non-domestic premises which provide offender accommodation services.
16. Hospitals, hospices, psychiatric hospitals, psychiatric units and health care premises.
17. Crèches, day nurseries, day centres and other premises used for the day care of children and adults.
18. Premises used for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body.
19. Sports centres.
20. Airport passenger terminals and any other public transportation premises.
21. Public transportation vehicles.
22. Vehicles which one or more persons use for work.
23. Public telephone kiosks.

---

<sup>3</sup> [The Prohibition of Smoking in Certain Premises \(Scotland\) Regulations 2006 \(legislation.gov.uk\)](http://www.legislation.gov.uk)

## **APPENDIX B**

### **EXEMPTIONS (as listed in Schedule 2 to the Regulations)<sup>4</sup>**

Those premises (or part of premises) which are exempt from the legislation are:

1. Residential accommodation.
2. Designated rooms in adult care homes.
3. Adult hospices.
4. Designated rooms in psychiatric hospitals and psychiatric units.
5. Designated hotel bedrooms.
6. Detention or interview rooms which are designated rooms.
7. Designated rooms in offshore installations.
8. Private vehicles.
9. Designated laboratory rooms
10. HM Submarines and ships of the Royal Fleet Auxiliary

---

<sup>4</sup> [The Prohibition of Smoking in Certain Premises \(Scotland\) Regulations 2006 \(legislation.gov.uk\)](#)





# **NO SMOKING**

**These are no smoking premises.  
It is an offence to smoke or knowingly  
to permit smoking in these premises.**

If you observe someone smoking here, a complaint  
may be made to

.....

APPENDIX E

