



Title	Smoke Free Policy
Purpose	<p>Maryhill Housing is committed to providing a safe, healthy and smoke free working environment. Maryhill Housing has a legal duty to comply with smoking legislation under the Smoking, Health and Social Care (Scotland) Act 2005 and the upcoming Tobacco and Vapes Bill which will be fully in force by 1 January 2027.</p> <p>Tobacco is recognised internationally as a major public health threat. More than 8 million deaths worldwide each year are as a direct result of tobacco use, including 1.3 million non-smokers exposed to second hand smoke.¹</p> <p>Smoking is the cause of around 1 in 5 death and a leading cause of premature death, ill health and disability in Scotland. Smoking-related health risks increase over time but can be substantially reduced following smoking cessation interventions</p> <p>Less is known about the long term effects of Nicotine Vapour Products (NVP's) (electronic cigarettes, vapes and all related equipment, including liquids.) However, these practices and devices are not deemed to be risk-free, particularly where there is dual use alongside tobacco products. Further research is ongoing.</p> <p>. Smoking rates in the most deprived areas are highest making smoking a key health inequality² 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>
Scope	<p>This policy to ensure that we promote healthy behaviours and minimise the risk of harm to others from passive smoking.</p> <p>All premises including vehicles owned, used or operated by Maryhill Housing are smoke free. Maryhill Housing does not provide designated smoking areas.</p> <p>This policy applies to all employees, workers, agency workers, contractors, volunteers and visitors at Maryhill Housing.</p> <p>Smoking or use of Nicotine Vapour Products (NVP) or e-cigarettes is not allowed on Maryhill Housing premises the details of which include:</p>

¹ The Scottish Health Survey 2023

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

	<ul style="list-style-type: none"> • All workspaces e.g., offices, including all satellite offices, common or work areas, customer homes, or within vehicles owned, leased, or hired by the organisation. • Smoking within 5 metres of entrances and/or exits to any Maryhill residential properties, community spaces or offices. • Private cars used to transport colleagues, clients, or visitors in relation to business are also covered by this policy. •
Definitions	<p>For purposes of this policy, “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 NVP’s) (electronic cigarettes, vapes and all related equipment, including liquids NVP. For clarity, NVP and e-cigarettes are classed as smoking and are prohibited under the same scope as tobacco smoking.</p>
Policy Statement	<p>Policy Aims</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"> • Clarify Maryhill Housing’s position on smoking and how we look to create a smoke free environment. • Explain the legal obligations of Maryhill Housing as set out under the Smoking, Health and Social Care (Scotland) Act 2005. • 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. • Smokers who want to stop will be offered stop smoking support; those experiencing withdrawal will be treated in a supportive way. • Details how Maryhill Housing will deal with non-observance of smoking restrictions in relation to employees, customers, visitors and contractors. • Clarify the circumstances in which disciplinary procedures will be instigated. <p>Policy Conditions</p> <p>Passive smoking exposure out with the organisation’s premises</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</p>

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.”

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 proactive force when legislating and implementing effective tobacco control policies. The following policies are relevant:

- 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 under the provisions of the Tobacco and Vapes Bill.
- new restrictions on the sale and display of tobacco products.
- ban on single-use vapes – Illegal since 1 June 2025

The Act also makes non-compliance a criminal offence and imposes fines of £200 for smoking in no smoking premises. for individuals and £200 for managers/owners for knowingly permitting 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 people responsible for ensuring compliance with the policy are all line managers
- The person responsible for implementing signage as required within the policy is the Corporate Services Manager
- The main policy provisions will be clearly displayed at the entrance to our premises.
- The No Smoking signs will be clearly displayed in and around our premises including company vehicles.
- Maryhill Housing has neither smoking areas nor ashtrays within its premises.
- Employees who choose to smoke are required to ensure that all cigarette ends and related waste are disposed of responsibly in appropriate receptacles. 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.
- Maryhill aims to provide a smoke-free environment for all staff and visitors, however if staff are to smoke or use NVPs during working hours, they should do so in their own time. Where this becomes unreasonably disruptive to effective service delivery, and/or where colleagues are being negatively impacted, line managers should request the employee reduces the amount of time being taken during working hours for smoking. Should any employee struggle with this, line managers can signpost to services offering effective management of smoking,
- Any questions, comments or concerns regarding the Smoke Free Policy should be raised with the line manager in the first instance who may seek advice from the HR Manager if required.. 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.

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.

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.

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.

Cessation Support

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.

In an effort to help employees adjust to the changes they will be supported through:

- Being encouraged to seek advice on modifying their smoking behaviour or quitting smoking.
- Supplies of self-help information will be made available on request.
- As a part of Maryhill Housing's Healthy & Wellbeing group more information and events will be put in place to support those affected by smoking
- Access to relevant channels to access support on stopping smoking:
- <https://www.nhsinform.scot/healthy-living/stopping-smoking>

	<ul style="list-style-type: none"> Quit Your Way - NHS 24: 0800 84 84 84 Monday to Friday 9am – 5pm https://www.nhs24.scot/our-services/quit-your-way-scotland/ Webchat open during these time subject to advisor availability. How to stop smoking and stay stopped . Booklet here
Approval	Senior Management Team – 4 th December 2025
Policy Owner	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)³

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.

³ [The Prohibition of Smoking in Certain Premises \(Scotland\) Regulations 2006 \(legislation.gov.uk\)](#)

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 including private clubs.
 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 including taxis.
 22. Vehicles which one or more persons use for work.
- Public telephone kiosks

APPENDIX B

EXEMPTIONS (as listed in Schedule 2 to the Regulations)⁴

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

⁴ [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

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APPENDIX E

