**SAMPLE SMOKING POLICY**

*(Company name and logo)*

**Before adopting this policy or a version of it, companies should take appropriate professional advice to ensure that their legal and other obligations will be met.**

**Background Legislation:**

* 1. The Health and Safety at Work Act 1974 (The Act) places a duty on employers to provide a working environment for employees that is safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.
	2. The Smoke-Free (Premises and Enforcement) Regulations 2006 made under The Act require employers to:
* Ban smoking in enclosed or substantially enclosed workplaces (including work vehicles), and enclosed and substantially enclosed places to which the public have access.
* Display no smoking signs at each entrance to smoke-free premises and in smoke free vehicles.
* Enforce a policy to stop people smoking in smoke-free places and vehicles.
* Ensure cigarettes and other smoking materials are extinguished and spent matches properly disposed of.

**Definitions used in this policy:**

2.1 Electronic cigarette/ e-Cigarette: battery powered product that releases vapour that contains liquid nicotine or other substance and is inhaled by the user

2.2 Vaping is the use of an e-cigarette.

**Policy:**

3.1. This policy applies to all employees, temporary workers, contractors, sub-contractors and visitors to the site.

3.2 [*Insert company name*] seeks to provide non-smokers the right to work in air free of tobacco smoke, whilst also taking account of the needs of those who smoke. [*Insert company name*] is committed to providing a safe and healthy working environment and as such limits the exposure of all workers and visitors to tobacco smoke, operating a strict no smoking policy, unless in designated smoking areas. This policy forms part of the Health and Safety Policy, any breach of this policy will lead to the normal disciplinary procedures being applied.

3.3 Smoking, vaping or being in the possession of lit cigarettes, cigars or pipes is not permitted anywhere on site, except in designated smoking areas.

3.4 [*Insert company name*] also prohibits smoking/ vaping in company cars, vans or other transport provided for the purpose of work.

3.5 [*Insert company name*] also prohibits smoking/ vaping within customer property.

3.6 Those wishing to smoke or vape may be permitted reasonable breaks, in agreement with their line management, provided they do not prevent them from carrying out their responsibilities and work duties.

3.7 Smoking and vaping may only take place in designated smoking and vaping areas and smoking paraphernalia must be disposed of safely in the ashtrays, bins or sand buckets provided.

3.8 Any failure to comply with this policy may result in disciplinary action being taken or a person may be removed from site.

3.9 Smokers are reminded that it is a criminal offence to smoke in smoke-free areas.

3.10 Any person wishing to stop smoking can access further information here: <http://www.nhs.uk/livewell/smoking/pages/stopsmokingnewhome.aspx>

**Monitoring and Review:**

4.1 The operation of this policy will be kept under periodic review.