

TOOLBOX TALKS

Smoking at Work

Operating in compliance with the Health Act, Workplace (Health, Safety and Welfare) Regulations and other related smoke-free legislation, it is the aim of ABM to ensure that all our workplaces are safe environments where employees, contractors, customers and visitors are always protected from the effects of second-hand smoke.

Therefore, smoking is prohibited in all enclosed and substantially enclosed workplace premises including company vehicles. There may be provision for designated smoking areas at some locations so always check site policy (Refer to your Site Induction Training, Assignment Instructions and any Site-Specific Procedures) for details when working on a customer site or locations that are not wholly managed by ABM.

Penalties and Fines

Failure to comply with the company's Smoking Policy may result in disciplinary action up to and including dismissal. In addition, a breach of the smoke-free legislation is considered a criminal offence and individuals may be potentially subject to fixed penalty notices and fines subject to prosecution by the local authority.

- **Smoking in a smoke-free premises or vehicle:** a fixed penalty notice of £50 (discounted to £30 if paid within 15 days from the issue of a notice) or a fine by a court up to a maximum of £200.
- **Failure to display no smoking signs in smoke-free premises and vehicles as required by the new law:** a fixed penalty notice of £200 (discounted to £150 if paid within 15 days from the issue of a notice) or fine by a court up to a maximum of £1000.
- **Failing to prevent smoking in a smoke-free premises or vehicle:** a maximum fine of £2500 imposed on whoever manages or controls the smoke-free premises or vehicle if prosecuted and convicted by a court. Here is no fixed penalty notice for this offence.

Handling someone who starts smoking in the workplace

Most people will be informed about the law and will respect it. There may be occasions however when visitors or new personnel do not understand the requirements to refrain from smoking or are not aware of where to go should they wish to smoke. If this happens you should:

- Draw the person's attention to the no-smoking signs and ask them to stop smoking
- Point out that they are committing a criminal offence by smoking in a smoke-free premises or vehicle
- Remind the person that under law you have responsibilities to prevent smoking and that you could both receive a fine if they continue
- If a visitor/employee continues to smoke in a smoke-free area, ask them to leave the premises and notify your line manager of the incident

- Remember when dealing with a potentially confrontational situation always follow the Assault Prevention Safety Principle and apply Conflict Management principles where necessary. (For further information refer to [Toolbox Talks Assault Prevention Safety Principle, Conflict Management and Anger Management](#))

Want to give up

If you wish to try and give up, you can seek advice from a number of free services available through the NHS

NHS Go Smokefree 0800 169 0169
www.nhs.uk/smokefree

QUIT 0800 00 2200
www.quit.org.uk

Smoking at Work – Questions

Q1. Who can you contact should you wish to give up smoking?

A

Q2. Give two examples of actions to take should you encounter someone smoking in a smoke-free area?

A1

A2

Q3. What is the fixed penalty notice for smoking on a smoke-free premises or vehicle?

A

Q4. What can failure to comply with the company's Smoking Policy result in?

A

Q5. Where would you find details of designated smoking areas on site?

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Employee Name:

Employee Number:

Manager's Name:

Date: