

1 Scope

This policy applies to all employees working for MWH Treatment and MWH Farrer (MWH).

MWH recognises that exposure to second-hand smoke can increase the risk of lung cancer, heart disease and other serious illnesses and that separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

The Company is committed to protecting its workers, customers and visitors by providing them with a safe, smoke free working environment. The Company is also committed to ensuring that it does not encourage smoking or the wish to smoke in any form.

2 Application

For the avoidance of doubt with regards to the term 'smoking' this also includes all electronic cigarettes, also known as e-cigarettes, personal vaporisers (PV), or electronic nicotine delivery systems (ENDS).

The benefits and risks of electronic cigarette use are uncertain. Laws vary widely concerning the use and sale of electronic cigarettes and accompanying liquid solutions, with pending legislation and ongoing debate, the use of electronic cigarettes is currently included under this smoke free practice.

3 Contents

- Whether workers are permitted to smoke on Company premises
- The measures that the Company has in place to enforce a smoke free environment on its premises
- Whether the Company is obliged to provide a smoking shelter
- What is expected of a worker or visitor who is uncertain as to where they are permitted to smoke
- Whether workers are permitted to smoke in Company vehicles
- Whether a no-smoking sign must be displayed in all Company vehicles
- How many smoking breaks is it acceptable for a worker to take within MWH's Core Hours
- Whether workers are expected to make up the time that they have spent on smoking breaks during the working day
- The consequences of not adhering to this practice
- Who is responsible for the enforcement of a smoke free workplace

4 Smoke Free Company Premises

4.1 Are workers permitted to smoke on Company premises?

By law, smoking is strictly prohibited in all enclosed and substantially enclosed premises in the workplace, including Company vehicles. To this end, workers are always prohibited from smoking whilst in Company vehicles, or on Company premises, other than in the designated and signposted outdoor areas.

4.2 What measures does the Company have in place to enforce a smoke free environment on its premises?

In line with legislation, all designated smoking areas on Company premises are clearly signposted and are located away from all main walkways.

Ashtrays must not be placed in smoke free areas.

4.3 Will the Company provide workers who smoke with a smoking shelter?

There is no legal obligation for the Company to provide a smoking shelter.

Where a smoking shelter is in place, it must not be substantially enclosed.

4.4 What is expected of a worker or visitor who is uncertain as to where to smoke?

Where a worker is uncertain of where they can and can't smoke, they are expected to find out where the designated areas are before starting to smoke.

A worker who is found to be smoking in prohibited areas will be deemed to have committed an act of misconduct.

4.5 Whose responsibility is it to ensure that visitors are informed of the designated smoking areas?

It is the responsibility of the worker who is being visited to inform their visitor of the designated outdoor smoking areas.

5 Smoke Free Company Vehicles

5.1 Am I permitted to smoke in Company vehicles?

No. A vehicle is a substantially closed area, therefore smoking is not permitted in any Company vehicle at any time, including when travelling alone.

All Company cars must display a no smoking sign by law.

A worker who is found to be smoking in a Company vehicle will be deemed to have committed an act of misconduct.

Persistent offences of smoking in a Company vehicle will be regarded as gross misconduct and treated in accordance with the Company's formal Disciplinary procedure.

6 Smoking Breaks

6.1 How many smoking breaks is it acceptable for workers to take?

The Company believes that one smoking break in the morning and one in the afternoon is acceptable within MWH's Core Hours. Please refer to the [MP76 Flexible Working](#) policy for further information on MWH's Core Hours.

A worker who persistently takes an unacceptable number of smoking breaks within their contracted hours will be deemed to have committed an act of misconduct and may be treated in accordance with the Company's formal Disciplinary procedure.

6.2 Are workers expected to make up the time that they have spent on smoking breaks during the working day?

Yes. A worker who takes time away from their work to smoke at any time during their working day is expected to make up the that time within the same day.

7 Consequences of not Adhering to this Practice

7.1 What are the consequences of not adhering to this practice?

A worker who is found to be smoking in areas other than the designated smoking areas will be deemed to have committed an act of misconduct.

Persistent offences of smoking in areas other than the designated smoking areas will be regarded as gross misconduct and will be treated in accordance with the Company's formal Disciplinary procedure.

Where a persistent offender is deemed to be a risk to both the Company and other workers, they will be dismissed with immediate effect.

A worker who does not comply with smoke free legislation is committing a criminal offence. Both the worker and the Company may be required to pay a penalty fine for a breach of this law and are liable to criminal prosecution.

8 Responsibilities of Enforcing a Smoke Free Workplace

8.1 Who is responsible for the enforcement of a smoke free workplace?

It is the responsibility of all workers to assist in the enforcement of a smoke free workplace.

All workers are requested to report any breach of this practice to their Line Manager immediately. All reports will be treated in the strictest of confidence.

9 Glossary of Terms

Employees All persons holding a contract of employment working in the United Kingdom.

Worker All persons representing the Company. This includes persons holding a permanent or temporary contract, all consultants, and those employed by an employment agency.