

 LONG O DONNELL ASSOCIATES LTD	INTEGRATED MANAGEMENT SYSTEM	Reference LOD/IMS/SMP/001
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SMOKING POLICY INCLUDING E-CIGARETTES

Long O Donnell Associates Ltd (LOD) is a company engaged in the provision of professional services relating to the Design, Management and Commercial control of the Construction or Modification of Buildings, Engineering undertakings and Utility related Equipment, Installations, Pipelines and other apparatus.

In accordance with the Health Act 2006, Companies face fines of up to £2500 for failing to enforce the anti-smoking laws, which are applicable from 1st July 2007.

All enclosed public places and work places in Wales and England are smoke free including company cars/vans, pool and hire cars under the 2006 Health Act. Private vehicles used for business purposes will be exempt.

This new legislation will make it an offence for those who control or manage A smoke free premises to fail to stop people smoking in them.

No smoking signs will have to be displayed. Ashtrays must not be present in non-smoking premises.

Where a vehicle which is classed as a workplace, and which is used by more than one person, regardless of whether they are in the vehicle at the same time, it will be required to be smoke free at all times. The purpose of being smoke free is meant to protect other people from second hand smoke inhalation regardless of when they use the vehicle. Drivers of convertible cars will be exempt as long as the roof is down when they or their passengers are smoking. Smoking will be allowed in vehicles that are for the sole use of the driver and are not used by anyone else, either as a driver or a passenger. Even if all the people using a shared vehicle are smokers, the legislation required them not to smoke in the vehicle.

The penalties are as follows: -

- A) For smoking in smoke free premises or vehicle: fixed penalty notice of £50, fine of up to £200.
- B) For failing to display NO SMOKING signs in smoke free premises and vehicles as required by legislation: fixed penalty notice of £200, fine up to £1000.
- C) For failing to prevent smoking in smoke free premises or vehicle: fine up to £2500.

LOD will not accept liability whatsoever for fines when people who ignore the legislation and incur such a liability.

Employees will be personally liable for any contravention of the smoke free regulations and will be required to pay any fines due to their non-compliance with the new legislation after having bought this law to your attention.

E-cigarettes have now become very popular and have until recently evaded regulation giving users the impression that they are safe to use, available to all, including children and legal to use except in a company vehicle carrying someone under the age of 18.

Please note that the UK Government has decided that Medicines and healthcare regulatory Agency (MHRA) will regulate all nicotine-containing products (NCP's) such as e-cigarettes. These will now be regulated as medicines in a move to make these products safer.

Whilst LOD acknowledge e-cigarettes are not covered by the health Act 2006, the company has made a decision to ban the use of e-cigarettes in the workplace.

Employees who use e-cigarettes are still free to do so in their own time and outside of the premises on breaks as per the company policy on smoking.

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Scotland's laws are different when applied to vehicles as far as anyone breaking the law could face a penalty notice of £200 or be prosecuted and face a fine of up to £2500.00 Company cars are exempt from the law (with the exception of taxis), however all vans used primarily for business purposes are affected together with all public transportation. The rules also apply to vehicles travelling into Scotland from England.

Regardless of origin non-smoking vehicles travelling north of the border should have No Smoking signs on display. This document will form part of your Contract of Employment and as such you will be subject to disciplinary procedures if necessary by not complying with this legislation.

The Managing Director of Long O Donnell Associates Limited is responsible for the development and effective implementation of this System and Policy and for ensuring that the necessary resources are provided for its implementation through our processes.



Thomas J. O'Donnell
Managing Director
Long O Donnell Associates Limited

January 2017