

# Smoking and Vaping Policy

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## Key messages

The main objective of this policy is to:

- Ensure that the ICO is compliant with current legislation concerning smoking in workplaces.
- Inform staff and users of ICO buildings with details of the ICO's rules about smoking and vaping on or near our premises.
- Protect staff from the effects of second-hand smoke or vapour from the use of e-cigarettes or vapes.
- Promote health in the workforce.

## Does this policy relate to me?

This policy applies to all ICO staff, and users of ICO buildings including visitors, agency staff, consultants and contractors.

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### 1. Introduction

- 1.1. Smoking is a major cause of death in the UK with around 78,000 dying each year from smoking related illnesses, and many more living with debilitating conditions caused by smoking.
- 1.2. Smoking also causes harm to other people who are exposed to cigarette smoke through passive smoking.
- 1.3. The law prohibits smoking in all enclosed and substantially enclosed workplaces and public spaces.
- 1.4. This document sets out the ICO's policy in relation to smoking and sets out the rules which must be followed to enable our buildings to be smoke free.
- 1.5. The policy also describes the etiquette which staff are expected to follow when working from home in relation to smoking and vaping whilst working.
- 1.6. This policy and procedure applies to all ICO staff, agency workers, secondees, contractors and visitors to ICO sites.
- 1.7. This policy will be made available to staff via the ICO intranet, and also published on the ICO external website.

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## 2. Policy position and purpose

- 2.1 Everyone has a right to work in a smoke free environment and it is the policy of the Information Commissioner's Office that all our workplaces are smoke free.
- 2.2 The law prohibits smoking in all enclosed and substantially enclosed workplaces and public spaces. It is the ICO's policy to be compliant with the law and so smoking is not allowed in any of our premises including vehicles owned or hired by the ICO.
- 2.3 'No smoking' signs will be displayed at entrances to all buildings and within our offices in compliance with legislation. This will help to ensure that everyone is aware of the restrictions on smoking.
- 2.4 As well as being prohibited inside our buildings, smoking is not allowed in the immediate vicinity of ICO buildings. Staff may only smoke at designated places on ICO sites (where such facilities exist) and must ensure that smoking materials are disposed of tidily and safely.
- 2.5 The use of artificial cigarettes, 'Vaping' devices or 'e-cigarettes' is only allowed in designated smoking areas. If you use this type of device inside our buildings you may be subject to disciplinary action as if you had smoked in an unauthorised area.
- 2.6 Smoking or vaping during work video calls or remote meetings is not allowed. Although the risk of exposure to smoke is removed if a person is at home during such a call, the ICO expects that professional standards are applied during all workplace activity. So, in the same way that smoking should not take place during a face to face meeting, it should not take place in a video call or remote meeting.

## 3. Smoke breaks

- 3.1. The ICO's flexible working practices provide staff with a great deal of flexibility about when they work or take breaks.

There are no longer 'core hours' where breaks cannot be taken. However, staff will need to ensure that smoking or vaping breaks are not taken at a time when they are expected to be available for work, such as staffing the helpline or attending a meeting.

- 3.2 Smoking breaks must be accounted for within the flexi-time recording system on Workday. Such time should be recorded under 'Other breaks'.
- 3.3 It is essential that such breaks are recorded accurately. As with all working time and breaks, failure to accurately record time spent on smoke breaks may result in disciplinary action being taken against you.

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## 4. Smoking and vaping in and around our offices

- 4.1 Any member of staff who smokes or vapes within our offices will face disciplinary action. Appropriate action may also be taken against any person who smokes or vapes during video calls or meetings.
- 4.2 Smoking or vaping in an area which creates a clear health and safety hazard, for example in an area containing a significant amount of flammable material, may be treated as gross misconduct and could render you liable to dismissal.
- 4.3 Contractors or agency staff who do not adhere to the smoking policy risk having their contract terminated or not being engaged for work in the future
- 4.4 It is important to note that anyone found to have breached the law by the enforcing authorities may incur a fixed penalty notice or fine.

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## 5. Health Support

- 5.1 The ICO is keen to promote good health and support staff to give up smoking. The ICO will endeavour to periodically provide access to information and resources for staff who wish to stop smoking
- 5.2 In addition, the NHS offers a range of free services to help smokers give up. Visit [the NHS website](#) for further information.

## Feedback on this document

If you have any feedback on this document, please [click this link](#) to provide it.

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## Version history

Version	Changes made	Date	Made by
6.0	Content reviewed and format updated	May 2023	Mike Collins
7.0	Bi-annual review with format and weblink updated	July 2025	Mike Collins

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