

East Devon District Council

No smoking Policy

Appendix 2

Reviewed

May 2007, replacing previous no smoking policy.

Policy Approval

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Reasons for introducing the Policy

This review is required to ensure the Council complies with the Smokefree requirements of the Health Act 2006.

Policy Statement

It is the policy of the Council that all of our workplaces are smoke-free and all employees have a right to work in a smoke-free environment.

The Council will ensure that all of its buildings and totally enclosed structures are maintained as no smoking places in order to comply with the Health act 2006.

Because the Council is the local authority that enforces the provisions of the Health Act 2006, it will seek to set an example by prohibiting staff, members and visitors from smoking whilst on grounds owned by the Council, including parks, gardens and grounds surrounding offices and other workplaces.

The policy prohibits staff from smoking at work. If they do wish to smoke, this must be done in their own time.

Our aim is to provide a smoke free working environment, not to prevent people from smoking, however, if staff wish to give up smoking, we will encourage and assist them.

Terms Explained

This policy is the Council's interpretation of the Health Act 2006 and regulations made under the act. An important phrase mentioned in this law is taken to mean the following;

- "substantially enclosed premises" means a structure with a roof or ceiling and walls that enclosed more than 50% its sides.

How will we go about it?

The policy will be posted and advertised on the intranet and be introduced to staff via Team Briefings.

Specific Policy Areas

1. BACKGROUND TO THE POLICY

- 1.1 The links between second-hand smoke and serious health consequences, such as coronary heart disease and lung cancer, are well established. Smoking has been identified as the greatest single cause of preventable illness and premature death in the UK and due to changing public attitudes to smoking, the government has provided for legislation to restrict smoking in public areas and workplaces.

- 1.2 The Council's existing No Smoking Policy was based on the precept that throughout the Council's activities and services there was a need to limit exposure to tobacco smoke, tobacco availability and tobacco promotion. In order to achieve a healthier workplace environment for its employees, the Policy went beyond the requirements for the provision of smoke-free rest areas for employees required by the Workplace (Health, Safety and Welfare) Regulations 1992 in prohibiting smoking in council-owned premises and also prohibiting smoking during work hours. Some provision was made to allow smoking outside buildings and the Policy applied to not only Council staff, but also to contractors and visitors.
- 1.3 With the introduction of The Health Act 2006 introduced from 1st July, 2007 and associated regulations, it has been necessary to revise the existing No Smoking Policy, in order to ensure that the new requirements can be fully met. The new requirements not only consider protection for workers in premises, places and vehicles, but also extend this to members of the public in visiting workplaces and public places.
- 1.2 These provisions apply to enclosed and substantially enclosed premises which are open to the public and also to shared workplaces. The premises to which these requirements apply are defined by regulations made under the Act and include:-
- **The Smoke-free (Premises and Enforcement) Regulations 2006**
 - **The Smoke-free (Signs) Regulations 2007**
 - **The Smoke-free (Exemptions and Vehicles) Regulations 2007**
 - **The Smoke-free (Penalties and Discounted Amounts) Regulations 2007**
- 1.3 The No Smoking policy does not seek to require people to become non-smokers, but does require employees not to smoke at work.

2. PRINCIPLES OF THE POLICY

- 2.1 By the elimination or control of smoking at work, the Council aims to fulfil its duties as an employer and service provider and offer a healthy and comfortable environment for all persons employed in or visiting the Council's premises.
- 2.2 The thrust of the Policy is to seek to eliminate smoking at work, not to stop people smoking altogether. Where people show a genuine desire to stop smoking then encouragement and assistance will be given, as with other health-related issues. In this respect, facilities will be provided to help people stop smoking by encouragement to utilise services provided by Devon Primary Care Trust for smoking cessation. This can be accessed by ringing 0845 111 1142. Details of smoking cessation advice and support are also available through local pharmacies and contact details are included in Appendix 1.

The NHS has a national smoking helpline 0800 169 0 169. or a website at www.gosmokefree.co.uk .

- 2.3 East Devon District Council recognises its duty of care for employees and will promote their health and well-being.
- 2.4 This Policy has been the subject of trade union consultation.

3. THE POLICY

It is the policy the Council that all of our workplaces are smoke-free and all employees have a right to work in a smoke-free environment. The Policy shall come into effect on 1st July, 2007 and be reviewed initially after three months, and then annually. All new employees will be reminded of the No Smoking Policy in their application pack.

The Policy will apply to all staff, members and visitors on Council business to Council premises.

This means that smoking is banned while employees are carrying out their duties and responsibilities as employees of the Council, other than during rest breaks. This policy applies to all employees, consultants, contractors, customers or members and visitors whilst on Council property.

All staff and particularly those connected with visits to Council premises by non-employees are responsible for ensuring that smoking does not take place. Non-employees who smoke on Council premises will be asked to stop smoking or leave the premises.

Smoking is prohibited in all buildings or grounds owned or leased by the Council.

Including the following areas as examples:

- all Council buildings, including workshops, depots, stores, public toilets and communal areas in residential accommodation;
- all Council-owned vehicles and leased vehicles at any time, (except where leased vehicles are used by a single smoker and will not be used for transporting members of the public or staff);
- all parks and gardens, including those surrounding offices such as The Knowle, and Exmouth Town Hall.
- all Council depot yards, including those at Camperdown Terrace and Manstone.

No council employee may smoke whilst 'at work'. Staff wishing to smoke during the working day must do so in their own time, ensuring they comply with the Council's flexitime rules. Council employees who wish to smoke may do so only in their own time.

The Council will not engage in or condone activities that promote smoking or use of smoking materials or otherwise encourage persons to smoke.

4. IMPLEMENTATION

4.1 All staff are obliged to adhere to, and facilitate the implementation of the policy.

4.2 The Head of Environmental Health and Equalities shall make arrangements to inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. Arrangements will also be made to ensure that all new personnel a copy of the policy on recruitment or induction.

- 4.3 Appropriate 'No smoking' signs will be clearly displayed at the entrances to and within the premises.

5. THIRD PARTY PREMISES

- 5.1 Some Council employees are required to visit other premises, both commercial and domestic, as part of their duties. The Council cannot control smoking on these premises but still has a duty to its own employees. Where employees are exposed to passive smoking in these circumstances, they should seek advice from their line manager. Managers must arrange for a risk assessment to be carried out and ensure all reasonable steps are taken to protect employees from exposure to workplace tobacco smoke.
- 5.2 Council employees are required not to smoke on third party premises or in buildings, except where specific arrangements have been made for smoking.

6. POLICY MONITORING

- 6.1 Managers are responsible for ensuring that staff in their area meets the requirements and that areas are maintained as smoke-free.
- 6.2 The Council's Disciplinary procedures will be followed if a member of staff does not comply with this policy.
- 6.3 Those who do not comply with the smoking law are also liable to a fixed penalty fine and possible criminal prosecution under the provisions of The Health Act 2006.

Outcomes

This policy gives clear instruction to Council staff and members on how we will maintain a Smokefree environment on and in Council property. This will reduce the incidence of second hand smoke affecting the public and our workforce.

Who is responsible for delivery?

Maintenance of the Policy, implementation and review rests with the Head of Environmental Health and Equalities and all Managers are responsible for implementation within their Departments.

Additionally, all staff and particularly those connected with visits to Council premises by non-employees are responsible for ensuring that smoking does not take place.

Performance Monitoring

Compliance with this policy relies upon staff and members embracing the spirit of the change in law regarding smoking in public places. It is hoped that no legal or disciplinary action will be needed; however, incidents of smoking may be reported to the

Environmental Health Service in order to gain some statistical feedback upon the success of the policy.

Policy Consultation

Unison has been consulted.

Policy Review

Head of Environmental Health and Equalities will review the policy in 2008.

Related Policies and Strategies

None.