



SMOKE FREE POLICY

POLICY OWNER: HEAD OF HUMAN RESOURCES

ISSUE DATE: 1 JULY 2007

VERSION: 1.0

STATUS: APPROVED

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EXECUTIVE SUMMARY

This policy explains how the Isle of Wight Council will meet its responsibilities as an employer under the Smokefree provisions in Part 1 of the Health Act 2006 and other health and safety legislation to protect everyone against the effects of secondhand smoke. It seeks to guarantee all employees the right to work in air free of tobacco smoke whilst respecting the rights of individuals who choose to smoke. The policy, effective from 1 July 2007 sets out how the Council will meet the legal requirement for all council owned/leased premises and work vehicles to be designated as smoke free. It also sets out the arrangements for employees who do smoke. In an effort to help individuals who wish to stop smoking, the policy also makes provision for access to support.

This policy is fully supported and endorsed by recognised trade unions. It is also endorsed by the Leader of the Council in respect of its application to Elected Members.

1. INTRODUCTION

- 1.1 Exposure to second hand smoke (passive smoking) increases the risk of smoking related illnesses as well as many other illnesses and minor conditions.
- 1.2 The Isle of Wight Council, as an employer has a statutory and common law duty to provide a safe and healthy working environment for all its employees.
- 1.3 Employees also have a duty to take reasonable care for the health and safety of themselves and others and to co-operate with the employer as far as is necessary to enable the employer to comply with the requirements of the Health and Safety at Work Act.
- 1.4 With effect from 1 July 2007, virtually all enclosed public places and workplaces in England, including schools and vehicles are required to become smoke free. This means that:
 - It will be a criminal offence to smoke in smokefree premises
 - It will be a criminal offence for managers of smokefree premises to permit others to smoke within the premises and,
 - No-smoking signs must be displayed in smoke-free premises (including work vehicles)
- 1.5 Smokefree legislation is set out in Part 1 of the Health Act 2006.

2. Policy Statement

To comply with legislative requirements, with effect from 1 July 2007:

2.1 All council owned/leased premises shall be designated as smoke-free, with appropriate signage to inform employees, elected members and visitors of the smoke free status of the building. This means that smoking is not permitted in any 'enclosed' or substantially enclosed council owned/leased premises. This includes (but not exclusively) the following areas:

- Lifts
- Corridors
- Stairways
- Rest Rooms/Staff Lounges
- Canteens and other designated refreshment areas
- Meeting Rooms
- Toilets
- Reception Areas
- Entrances/Exits from council premises
- Any shelters, sheds or other similar structures that have previously been designated as smoking areas

In addition, the following 'open air' council owned/leased premises shall be designated as smoke free:

- Adjoining car parks to council owned/leased buildings that are not designated as a public car park

2.2 Council employees who are based in premises owned or managed by another organisation are entitled to the same protection as those working on council premises. In cases where this is not adhered to, the council will take the necessary action to make sure that employees are appropriately protected and will work with the organisation to comply with the requirements of a smoke free environment.

2.4 Visitors and temporary staff are required to abide by the terms of this policy. The person responsible for greeting visitors or temporary staff will be required to inform them of the policy requirements.

2.5 Smoking is not permitted in any vehicle owned or leased by the council.

2.6 To create a positive climate in which a smokefree environment is promoted and an example set as an employer, the following will also apply:

- Staff are expected not to smoke in privately owned cars whilst carrying passengers who are non smokers in the course of their duties and on official council business.

- Whilst public highways are not covered by the legislation, staff are representatives of the organisation and are expected not to use the immediate vicinity of public entrances as smoking areas.

3. Responsibilities:

3.1 It is against the law not to display no-smoking signs from 1 July 2007. Building managers are responsible for ensuring that appropriate signage is in place at all times.

3.2 The regulations require all smokefree premises to display a no-smoking sign in a prominent position at each entrance that:

- Is the equivalent of an A5 in area;
- Displays the international no-smoking symbol in colour, a minimum of 70mm in diameter and,
- Carries the words in characters that can be easily read:

“No Smoking. It is against the law to smoke in these premises”

The regulations also set out that a no-smoking sign that simply displays the international no-smoking symbol in colour, a minimum of 70mm in diameter is the minimum requirement at entrances to smokefree premises which:

- Are for staff only (on the basis that the premises display at least one A5 sized sign with words, as set out above) or
- Are located within other smokefree premises

3.3 Managers who have responsibility for council fleet vehicles or any other council owned vehicles have a duty to ensure that a no-smoking sign is displayed in each enclosed compartment that can accommodate people. These no-smoking signs must simply display the international no-smoking symbol in colour, a minimum of 70mm in diameter.

3.4 Managers are responsible for ensuring that staff comply with the requirements of this policy.

3.5 Building managers will be responsible for identifying a designated smoking area, if required, and for ensuring that staff have been made aware of its location. This area must be outside any Council premises. In selecting a designated smoking area, the following practical issues shall be considered:

- The location of the area in relation to the public entrances/exits of the council building, windows or other building ventilation inlets so as to avoid the risk of smoke entering the workplace or adjacent premises. Public impression is important and the location should be chosen so as to avoid where practically possible, direct line of sight with the public entrance/exit.
- Any health and safety issues such as risk of slips, trips and falls, lighting, risk of violence, collision with vehicles etc;

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- Provision for the collection and disposal of smoking related litter;
- 3.6 It is recognised that staff who visit and/or provide services to people in their own homes may be at risk if the person being treated is a smoker. Private houses are not covered by the Act. It is important that a practical approach is taken to the management of such circumstances to provide a balance between respecting the rights and needs of services users and the safety and welfare of employees. Risk assessments are to be undertaken by service managers in conjunction with their Head of Service to identify the level of risk and the actions required to minimise them. Identification of members of staff who have a pre-existing condition that is made worse by exposure to tobacco smoke, such as asthma, COPD and cardiovascular disease, or those who face additional risks eg, due to pregnancy will be necessary. Members of staff who have such conditions are at higher risk and care should be taken to prevent or minimise their exposure to tobacco smoke.
- 3.7 In determining the level of risk, and the appropriate steps that can be taken, the following are considerations that may be taken into account:
- To identify homes to be visited by a member of staff where it is likely that they are occupied by smokers
 - Review visiting schedules to make sure that there are no consecutive visits to homes where service users are known to smoke
 - Where feasible change staffing rotas
 - Where appropriate and only in circumstances where no other alternative exists, write to the service user, asking them not to smoke during the visit and ideally, not to smoke for at least an hour before the visit is scheduled to take place or alternatively and if possible to receive the visit in another room, other than the ones normally used by the occupier for smoking.
- 3.8 Employees have a responsibility to identify to their line manager or supervisor that they are experiencing adverse affects of passive or second hand smoke encountered as part of their work. Reasonable steps must be taken to reduce the risk and referral through Human Resources to Occupational Health should be considered.

4. PUBLICITY

- 4.1 All recruitment materials, job advertisements and other related information will draw attention to the requirements of this policy.
- 4.2 Upon appointment, this policy will be brought to the attention of new employees during council induction procedures.

- 4.3 Information on the hazards of smoking, methods of giving up and the problems smoking presents to non-smokers will be made available through corporate newsletters to staff together with other advice and information which may be accessed via the council's employee assistance programme support information pages posted on the intranet. Such information can be found at www.ppcworldwide.com. Username is isle, password is wight.

5. HELP FOR THOSE WHO SMOKE

- 5.1 This policy recognises the right of the individual to smoke. However, to help individuals who wish to give up smoking, a number of support mechanisms will be put in place. These will take the form of:
- Access to smoking cessation support groups, including access to nicotine replacement therapy (for which a one-off prescription charge may be required). NB: a minimum of four people are required to set up a support group which can be arranged at mutually convenient times for group members.
 - One to one appointments at the Sea Street, Newport, Island Quitters Office
 - Access to drop in centres across the Island where advice, information and nicotine replacement therapy can be obtained. Contact the local NHS stop smoking service on 814280 for further information
 - Health promotion events
- 5.2 It would normally be expected that Staff attend smoking cessation support groups/activities in their own time. However, those staff wishing to attend recognised smoking cessation support group activities will be permitted paid time off for up to one hour per week for a maximum period of six weeks. The needs of the service are always paramount and this should not be seen as an entitlement.
- 5.3 Other advice, information and help for staff who are considering stopping smoking, can be accessed by contacting:
- The local **NHS Stop smoking service** on 814280 where individuals can speak to a specialist adviser
 - The **NHS Smoking Helpline** on 0800 169 0 169 who will provide practical advice, including a free information pack on how to stop smoking and the different options available.
 - Your **GP**

5.4 Other internet resources include:

www.givingupsmoking.co.uk

www.gosmokefree.co.uk

6. POLICY IMPLEMENTATION

6.1 The responsibility for ensuring that all staff are aware of the requirements of this policy and that it is enforced rests with individual line managers. Failure to comply with the requirements of this policy is a disciplinary matter.

6.2 The responsibility for ensuring that all elected members are aware of the requirements of this policy and that it is enforced rests with group leaders. Failure to comply with the requirements of this policy by members is matter of conduct and will be reported to the standards committee.

6.3 Any member of staff who has concerns about any potential or actual failure to comply with this policy is encouraged to take appropriate action to remedy the situation as follows:

- Wherever possible, anyone who feels that a breach may occur, is occurring or has occurred, should initially discuss with the person concerned to remind them of the requirements of this policy.
- If this action does not result in compliance with policy requirements or if the member of staff feels unable to raise the matter directly, the matter should be referred to their immediate line manager, trade union representative or a member of the Human Resources team, who will take the appropriate action to resolve the matter.

7. OTHER SOURCES OF INFORMATION/GUIDANCE

7.1 Further information and details about the legislation and other aspects of introducing the regulations can be found at www.smokfreeengland.co.uk or by using the information line on freephone 0800 169 1697.

7.2 The Health & Safety Advisory Service can provide information and guidance about specific aspects of the legislation and its implementation. Visit their website at:

<http://wightnet2000.iow.gov.uk/staff/health%5Fand%5Fsafety/> or telephone them on 814790.

- 7.3 The Human Resources Advisory Team can provide advice and guidance and support to staff and managers about the requirements of this policy and can be contacted on either (82)3137 or (82)3354.
- 7.4 Further advice and guidance about the legislation and management arrangements for staff who are required to provide services to people in their own homes can be found at:

<http://www.hse.gov.uk/healthservices/faq.htm#smoke> or
http://www.rcn.org.uk/publications/pdf/protecting_community_staff_smoke.pdf

RELATED POLICY FRAMEWORK

Policy	Purpose of Policy
Harassment at Work Policy	The council believes that every individual has the right to be treated with dignity and respect at work and aims to develop a working environment in which harassment is understood as unacceptable conduct. This policy provides procedures for individuals to raise concerns or deal with incidents of harassment should they occur.
Grievance Procedure	It is the responsibility of managers and their staff to create and maintain harmonious and good working relationships in the workplace. When employees raise problems or complaints with their line manager, these would normally be dealt with informally. There may however be occasions when employees wish to raise a formal grievance if matters relating to the employer/employee relationship remain unresolved or are deemed not to have been satisfactorily concluded. This policy sets out the council's procedure for dealing with such matters.
Disciplinary Procedure	The council recognises that discipline is necessary for the efficient operation of services and to ensure that the health, safety and welfare of employees is maintained. The day to day supervision of staff is considered to be the normal management process for such issues but there may be situations when an employees conduct requires more formal action to be taken. This procedure sets out the council's approach to dealing with such situations.
Disciplinary Rules	This document sets out the rules and expected standards of conduct at work which apply to all employees and which if are breached may lead to action being taken against an employee in accordance with the disciplinary procedure.