



NO SMOKING POLICY

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Please contact the Personnel Section on (01389) 737200**

**Personnel Services
January 2006**

CONTENTS

SECTION	PAGE
1. INTRODUCTION	2
2. POLICY OBJECTIVES	3
3. KEY PRINCIPLES	3-4
4. SECURING A HEALTHY WORKING ENVIRONMENT	4
5. SUPPORTING EMPLOYEES WHO WANT TO STOP SMOKING	5
6. PROMOTING HEALTHY LIFESTYLES	5
7. POLICY IMPLEMENTATION	6
8. REVIEW	6

No Smoking Policy

1. INTRODUCTION:

- 1.1 The Council seeks to set a good example in health promotion and to work towards national targets set to reduce the prevalence of smoking and the incidence of diseases caused by tobacco smoke and to improve the health and fitness of our employees. As an employer we are committed to Scotland's Health at Work (SHAW) campaign, and will introduce and promote policies which encourage a healthy lifestyle.
- 1.2 The Council also recognises the health risks associated with tobacco use, not only for smokers but also the effects of passive smoking on non-smokers. Passive smoking – inhaling other people's tobacco smoke is a particular issue for the workplace and the Council has a duty of care under UK and European employment legislation to:
 - maintain a safe and healthy working environment
 - protect the health of employees, and not to subject them to hazardous environments and materials
 - ensure that employees understand their responsibilities to take reasonable care of the health and safety of other people
- 1.3 The current Smoking Policy has been in place since 1999 and this revised policy has arisen from our legislative obligations imposed upon the Council in terms of the Smoking, Health and Social Care (Scotland) Act 2005 (The Act). The Act bans the smoking of tobacco and tobacco related products in public places from 26 March 2006: with effect from this date, all council offices, council vehicles and wholly/substantially enclosed premises will be No Smoking areas.
- 1.4 Failure to enforce the smoking ban is a criminal offence. All elected members and employees have a legal duty to comply with this law. Anyone can notify the enforcing authority that a smoking ban is being ignored. The person smoking can be fined and the person responsible for controlling the premises can also be subject to a fine. In addition, managers have a duty to ensure their employees comply with this law.
- 1.5 Employees are required, as part of the Council's Code of Conduct to support the Council in implementing this policy. Where an employee ignores this policy and as a result commits a criminal act, the Council will view this as an act of serious misconduct to be further considered through the agreed Disciplinary Procedures.

2. POLICY OBJECTIVES :

- 2.1 The Council is committed to promoting healthy living and non-smoking as its normal culture by establishing a smoke-free environment for all employees, and being sensitive to the needs of those who smoke by offering support to those wishing to give up smoking.

Procedures will be put in place to achieve the following policy objectives:-

- Provide all employees with a safe and healthy working environment
- Support employees who wish to stop smoking
- Encourage and assist every employee to adopt a healthy lifestyle
- Work with Health Board partners to support cessation initiatives

3. KEY PRINCIPLES

- 3.1 The aim of the Policy is to ensure a smoke free environment in compliance with The Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 which comes into effect on 26 March 2006 at 6.00 a.m.
- 3.2 The new law is being introduced to save lives and prevent diseases caused by passive smoking.
- 3.3 Smoking will be prohibited within all Council premises, at or near entranceways to Council premises and Council vehicles. This prohibition will include all previously designated smoking areas and shelters. In addition, where an employee is using their own vehicle for business purposes and is carrying other employees/clients as passengers, they should not smoke.
- 3.4 All public buildings will be smoke free, including schools, community centres, libraries, leisure facilities, public halls and theatres – this is also applicable to public lets. Managers in these areas will have a duty to ensure that this policy is being applied by anyone entering our premises e.g. contractors, visitors and members of the public.

3.5 Statutory Exemptions:

Exemptions to the Act can apply in the following circumstances:

- **Council Care Homes.** The regulations allow for the provision of designated smoking rooms for residents. Smoke-free Scotland Guidance, December 2005, views that smoking rooms are for residents only not staff or visitors. However, the law does not oblige the Council to create such rooms and this will be an operational matter for the Director of Social Work.
- **Outdoor work locations.** Smoking will only be permitted during recognised breaks. Whilst the Council would encourage employees not to smoke for health reasons, it recognises that this is a matter of personal choice. Employees must not smoke where this affects their ability to carry out their duties in a safe manner.
- **Client Homes.** The council will adopt the Smoke-free Scotland, national guidance on smoking policies for the NHS, Local Authorities and Care Service providers (Dec 2005). This can be found www.clearingtheairscotland.com, the Council's Intranet and hard copies can be requested from Personnel Teams. Employee concerns about working in the homes of clients who smoke, will always be handled in a sensitive manner. The Manager will undertake a risk assessment and take appropriate action to eliminate/minimise any risk identified. Employees will be expected to work in partnership with their manager to identify a suitable solution.

4. SECURING A HEALTHY WORKING ENVIRONMENT:

4.1 Council Actions:-

- Implement a Council wide ban on smoking within premises, near entranceways and Council vehicles as outlined in section 3
- Notices indicating that the location is smoke free will be displayed in public spaces within Council premises and vehicles
- Prohibit the promotion and sale of tobacco products on premises, as appropriate

4.2 Employee Action

- Employees should be aware of and comply with their obligations under the Smoking, Health and Social Care (Scotland) Act 2005 and the Council's No Smoking Policy

5.0 SUPPORTING EMPLOYEES WHO WANT TO STOP SMOKING

5.1 Council Actions:

- In partnership with NHS Greater Glasgow and the Community Health Partnership, offer a variety of support and assistance to employees who wish to stop smoking e.g. smoking cessation classes, cash advances towards the cost of participating in cessation treatment, with advances being repaid over an agreed period of time
- Provide paid leave for employees to attend Council recognised smoking cessation groups, full details of services will be explored and promoted.
- Identify ways to recognise the achievement of those who have successfully stopped smoking

5.2 Employee Actions:

- Consider utilising the support services available that will assist them to stop smoking, when they are ready to do so

6.0 PROMOTING A HEALTHY LIFESTYLE

6.1 Council Actions:

- In partnership with NHS Greater Glasgow and the Community Health Partnership, introduce health promotions which encourage employees to adopt a balanced lifestyle and identify and address personal health problems. Through awareness leaflets, information on the internet/intranet site
- Develop partnership with other agencies and bodies to promote health improvement initiatives and promote these through the organisation
- Work towards the achievement of Scotland's Health at Work Award
- Encourage employees to take up the Council's Passport to Leisure Scheme or discounted fitness membership so that employees can benefit from the ability to access fitness & lifestyle assessments
- Work with the trade unions to gain support for health improvement initiatives

6.2 Employee Actions:

- Participate in improving their own health

7.0 POLICY IMPLEMENTATION

- 7.1 Directors will ensure appropriate plans are in place to address operational matters arising from the Smoking, Health and Social Care (Scotland) Act 2005 (The Act).
- 7.2 Managers will be responsible for ensuring the Policy is implemented within their area.
- 7.3 Every employee is reminded that there is a legal duty to comply with this Policy, and in specific circumstances non compliance may constitute a criminal offence.
- 7.4 The revised Policy will be communicated to all employees through a Personnel Circular, information leaflets and will be available on the Intranet site.
- 7.5 Failure to comply with the Policy will be a conduct issue addressed through the Council's Employment Procedures.

8.0 REVIEW

- 8.1 This Policy will be reviewed by December 2009.