



NO SMOKING POLICY

**This document is available in large print, on tape, disc and by E-mail.
Please contact the Personnel Section on (01389) 737200**

November 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. MONITORING AND REVIEW	6
APPENDIX 1	7

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 the Health and Safety at Work Act, 1974 and the Safety & Health of Pregnant Workers Act (Directive 92/85/EEC) 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 banned the smoking of tobacco and tobacco related products in enclosed public places from 26 March 2006: In addition, to reduce the risk posed from passive smoking when entering council premises, smoking is prohibited at or near all entranceways to council premises. Smokers shall not use these entranceways for shelter when smoking. Smoking is also prohibited where no smoking signs are present.
- 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 will be asked to leave the premises. Managers have a duty to ensure their employees/clients/visitors comply with this law. The Council may be fined £200 for permitting smoking on no-smoking premises and not displaying appropriate warning signage. In addition employees/clients/visitors may be fined £50 for smoking in no-smoking premises.
- 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 the Council will view this as an act of misconduct to be further considered through the agreed Disciplinary Procedures.

- 1.6 Employees and Managers may take general questions, problems and complaints in the first instance through their line management structure. The No Smoking Policy Monitoring Form should be completed on each occasion to assist the review process.

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 came into effect on 26 March 2006 at 6.00 a.m.
- 3.2 The new law has been introduced to save lives and prevent diseases caused by passive smoking.
- 3.3 Smoking is prohibited within all Council premises, at or near the main entranceways to Council premises and in Council vehicles. This prohibition includes 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, at or near all entranceways to council premises and in 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. SUPPORTING EMPLOYEES WHO WANT TO STOP SMOKING

5.1 Council Actions:

- In partnership with NHS 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. To access support contact your manager and thereafter Departmental Personnel Officers.
- Provide paid leave for employees to attend Council recognised smoking cessation groups, full details of services will be explored and promoted. Smokeline 0800 848484 can advise on local services, however the smoking cessation support services which have proven most effective are NRT or Zyban, one to one counselling by a dedicated specialist, and stop smoking support groups run by the local Health Service.
- 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. PROMOTING A HEALTHY LIFESTYLE

6.1 Council Actions:

- In partnership with NHS 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 activities and promotions to improve their own health

7. 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. Guidance will be provided for Managers and staff on an ongoing basis and to all new employees through the Safety Basics Training Course. This will assist with effective implementation of the Policy.
- 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.
- 7.6 Advice and guidance is available by contacting the appropriate Departmental Personnel Officer.

8. MONITORING AND REVIEW

- 8.1 To monitor the effectiveness of the Policy, Managers will be required to report on Smoking Cessation activity and any operational difficulties using the attached No Smoking Policy Monitoring Form. Completed forms should be returned to Corporate Personnel Services who will maintain a database and report on a quarterly basis to the Corporate Services Committee.
- 8.2 This Policy will be reviewed December 2009 by Corporate Personnel Services. The review will assess whether the Policy meets legislative and organisational needs. Statistics from the Database will be used to measure compliance levels and enforcement by managers.



NO SMOKING POLICY MONITORING FORM

This monitoring form should be completed and returned to Corporate Personnel.

SMOKING CESSATION ACTIVITY:	
NAME OF EMPLOYEE:	
DESIGNATION:	
LOCATION:	
DEPARTMENT:	
EMPLOYEE REF NO:	
TYPE OF SUPPORT REQUESTED	
AMOUNT OF TIME OFF AGREED	

DETAILS OF BREACH OF NO SMOKING POLICY

SANCTIONS TAKEN	
Disciplinary Action <input type="checkbox"/>	Escorted from Premises <input type="checkbox"/>
Fined <input type="checkbox"/>	
Other (specify)	

Name of Manager		Signature	
Designation		Date	