

PERSONNEL COMMITTEE

20 June 2007

SMOKE-FREE POLICY

REPORT OF HEAD OF ORGANISATIONAL DEVELOPMENT

Contact Officer: Vicki Finlay Tel No: 01962 848437

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report presents a review of the Council's Smoking Policy in response to the introduction of the smoke-free legislation on 1st July 2007. The report explains the purpose of the review, the changes made and outlines changes in legislative requirements.

RECOMMENDATION:

1. That the policy, subject to further consultation with UNISON, be accepted and implemented as outlined in the report.
2. That final Unison consultation on the proposed changes be undertaken and the Head of Organisational Development be authorised to implement the changes subject to no material unresolved issues arising from the consultation.

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SMOKE-FREE POLICY

Report of Head of Organisational Development

DETAIL:

1. Introduction

- 1.1. The legal restrictions on smoking in workplaces and public places come into effect on 1 July 2007. This legislation effectively bans smoking in all enclosed workplaces and public places with some exceptions.
- 1.2 Smoking will not be permitted in any public places or workplaces which are enclosed or substantially enclosed. This means premises which have a ceiling or walls at least half way round including doors and windows. The regulations will also cover work vehicles, although there is an exemption covering vehicles which are only ever used by one person with no passengers. It will not cover the employees own vehicle unless it is being used for hire or as a work vehicle by more than one person.
- 1.3 There will be new offences of smoking in a smoke free place and failing to prevent smoking in a smoke free place. These regulations will generally apply to employers and occupiers of premises, but there will also be a duty imposed on the drivers of smoke free vehicles to prevent smoking.

2. Current Policy

- 2.1 The Council's current Smoking Policy has been in place since 1990 and applies to all Council offices. There are no designated smoking areas or shelters provided although bins have been provided in areas where employees who smoke tend to congregate. The currently policy also prevents smoking in Council vehicles. Sanctions for contravention of the policy are through the disciplinary procedure.

3. Impact

- 3.1 As a local authority, Winchester City Council is not only required to comply with the new Smoking Regulations as an employer, but also to enforce those regulations in the community through it's Environmental Health role. As such, it is important that the Council is above reproach as an employer.
- 3.2 Whilst the current smoking policy covers both offices in vehicles, the introduction of new legislation provides an ideal opportunity to review the policy and introduce support for managers in managing smoking breaks and dealing with difficulties which may arise between smokers and non-smokers.

4. Scope of the Smoking-Free Policy

- 4.1 As the current policy in operation in the Council already complies with the legislative requirements, the main area which a decision needs to be made is the definition of

'premises' which the no-smoking policy covers. Whilst the legislation covers buildings and vehicles, a number of organisations have made the decision to extend the smoking ban to cover premises, including car parks and other open spaces.

- 4.2 The policy review has been considered by CMT who have recommended that the Council work towards extending the smoking policy to cover Council grounds by July 2008. The smoke-free area will be expanded, in consultation with staff and union representatives, over the next 12 months to include the areas immediately surrounding Council buildings (this is defined as including the car parks immediately surrounding the buildings).

5. Assistance to Stop Smoking

- 5.1 It is intended to use the introduction of the smoking regulations as an opportunity to offer assistance to those employees who wish to give up smoking through cessation classes and support provided in conjunction with the Health at Work group.

6. Consultation

- 6.1 Consultation will take place with UNISON and staff over the next 12 months to work towards the introduction of smoke-free premises.

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

- 4.1 Relates to the Corporate Strategy's statement on the requirement to deliver our service in the most cost efficient manner and making the best use of all available resources.

5 RESOURCE IMPLICATIONS

- 5.1 Requirements for signage to comply with legislation to be resourced from existing budgets. Smoking Cessation services to be resourced in conjunction with Health at Work group.

APPENDICES:

Appendix 1 Smoke-free Policy

SMOKE-FREE POLICY

Document Control

Version	V2 draft	Title	Smoke-free Policy
Issue Date	June 2007	Author	Principal HR Advisor

SMOKE-FREE POLICY

1. INTRODUCTION

- 1.1 Winchester City Council is committed to creating an environment in which smoking on Council premises is forbidden and generally in which staff are given every encouragement not to smoke. The Council is committed to assisting staff where possible in giving up smoking.
- 1.2 Under the Health Act 2006 (and Regulations made under that Act) it is now illegal to expose a person in an enclosed or substantially enclosed workplace or an enclosed company vehicle to second-hand smoke.
- 1.3 The purpose of this policy is to enable Winchester City Council to comply with the Health Act (and Regulations made under that Act) and to protect any person in the workplace or in company vehicle from second hand smoke.

2. SCOPE OF THE POLICY

- 2.1 This revised policy relates to all staff and elected Members of Winchester City Council. The new policy statement will be brought to the attention of all existing Winchester City Council employees principally through team briefings, the City Voice and by its inclusion in the Human Resources pages of the intranet. It will be outlined in brief in recruitment literature sent out to all job applicants. It will also be referred to during the interview process and will become a specific item to be discussed during new staff inductions.

3. POLICY

- 3.1 Smoking damages health, not only for the person who smokes but for people who are subject to second-hand (passive) smoke. With this in mind the Council has agreed to take the following measures:

The Council prohibits smoking:

- In all council buildings
- Whilst on duty. If an employee wishes to have a smoking break whilst at work the time must be made up during the working day. The timing of any smoking breaks that are taken must be agreed with the staff member's immediate manager. In any event management reserves the right to withdraw smoking breaks at its discretion if circumstances make this appropriate
- In all council badged vehicles and whilst using council equipment and machinery.
- In all employees' vehicles, including leased vehicles, whilst used on Council business and carrying approved council passengers.

- 3.2 Employees are not permitted to smoke in sight of the public whilst on duty. Employees in Council uniforms or protective clothing should avoid smoking in sight of the public when off duty.
- 3.3 The smoke-free area will be expanded, in consultation with staff and union representatives, over the next 12 months to include the areas immediately surrounding Council buildings (this is defined as including the car parks immediately surrounding the buildings).
- 3.4 All staff are required as a condition of their employment to observe this policy. It is the responsibility of all managers to enforce the policy.
- 3.5 No Smoking signs have been placed at both public and staff entrances to Council buildings including in all areas accessible to the public. Signs have also been placed in Council vehicles. The No Smoking policy also applies to members of the public as well as to all visitors and contractors.
- 3.7 Smoking on Council premises and vehicles as detailed in section 2 is a contravention of the Council's Disciplinary Procedure. Staff will therefore be subject to normal disciplinary proceedings if found smoking in these areas.
- 3.8 The Human Resources Directorate is able to offer assistance and advice to any members of staff who would like help in giving up smoking. This includes the provision of leaflets and where appropriate making referrals to the Occupational Health Consultant. If requested, and if assessed as appropriate by the Occupational Health Consultant, the Council will, at the discretion of the Head of Human Resources, arrange for employees to attend smoking cessation courses at the Council's cost. However attendance on such courses must be out of normal working hours or, if within, the time lost must be made up.
- 3.9 The Head of Organisational Development is responsible for the development, implementation and monitoring of this policy. The policy will be reviewed on a regular basis and any changes made in consultation with UNISON.
- 3.10 This policy has been the subject of consultation with staff through UNISON