



DRAFT

SMOKING AT WORK POLICY

Document Tracking

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E-cigarettes added	22.5.14	GI
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Amendments made to 2.2 Prohibited areas, 'whilst conducting Council duties' added 2.4 Facilities and Ad hoc smoking arrangements, 'gentlemen's' agreements substituted for 'other'. 2.6 Staff smoking in uniform or with GBC identification badge showing. SFARP added to end of sentence.	9.9.14 (Post CHAS meeting consultation-see minutes)	GI
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SMOKING AT WORK

1. GENERAL INTRODUCTION

1.1 Legislation

Section 2 of Reference A (HASAWA74) outlines the general duties of Employers to their Employees, the effect of which is to make criminally enforceable, the common law duty to take reasonable care for the safety of those employees and The Provision of a safe working environment – elimination of contaminated air.

Regulation 3 of Reference B (Management Regs 99) outlines the duty of managers to carry out a suitable and sufficient risk assessment to ensure that As far as reasonably practicable (AFARP) non-smokers are protected from the discomfort caused by tobacco smoke and other smoking devices.

In a similar fashion the Workplace Regs 92 (Reference C) require the employer to make suitable arrangements to protect the aforementioned workers in their employ.

1.2 Purpose

To introduce a revised Smoking Policy for the Council. This takes all possible steps to protect employees from second hand smoke exposure, the effects of smoking and new technology i.e. e-cigarettes. This proposed policy will fully replace all other existing policies regarding smoking within the Council.

1.3 Definition of smoking

Smoking is defined by the Council as using any device to produce and inhale smoke or vapour from tobacco or any other substance. This includes electronic cigarettes.

1.4 Background information

Smoking is the largest avoidable cause of death and serious disability in the UK. In the UK around one in five adults, or about ten million people, are current smokers, five million of whom are expected to die prematurely from smoking, losing a total of around 100 million years of life. It accounts for about one in six deaths each year in the UK (Source. Public Health England. 2014).

The original smoking policy was agreed by Committee in October 2006, applied from 1st April 2007.

The purpose of the Smoking Policy is to protect and improve the health, safety and wellbeing of all elected members and employees at work and people who visit Council premises. It reflects a commitment to raising employee awareness of the dangers of smoking and second hand smoke exposure. Nicotine is a highly addictive substance and the Council recognises that staff will need support to stop smoking. As an employer one way we can encourage staff to stop smoking is to introduce restrictions on smoking and other smoking devices during working hours.

The Council recognises and fully accepts those responsibilities placed upon it by health and safety legislation to provide a working environment where employees' safety and health is of great importance.

To underpin the policy the Council will develop additional guidance, which addresses the effects of smoking in more detail and also the issues likely to arise in implementation. i.e. the Substance Misuse Policy.

2 General Policy

2.1 Who the Policy applies to:

Smoking is not allowed by employees, Members, contractors, agency staff or visitors within buildings occupied by the Council or within its grounds, including car parks, footpaths and driveways (This excludes public car parks or recreation parks). Nor is smoking be permitted in Council owned, leased or hired vehicles. If the implementation of the policy presents particular difficulties for any employee, they should discuss this in the first instance with their line manager. Further support is available from Personnel.

2.2 Prohibited areas: Smoking is prohibited in the following areas:

- § All Council owned and controlled buildings and their grounds.
- § All vehicles owned, leased or hired by the Council.
- § Employees' own vehicles when other employees are present, whilst conducting Council duties.

2.3 Smoking during working hours - Smoking paid breaks: Council employees cannot smoke during paid hours. The custom and practice of permitting 'smoking breaks' is not allowed. This applies to all employees regardless of work base or working arrangements. Employees may smoke before or after work and during their official 'breaks', but not on the Council's premises or in vehicles as defined in the policy.

2.4 Facilities and ad hoc smoking arrangements:

No facilities e.g. smoking shelters or designated smoking spaces will be provided for smokers either inside or outside Council premises. It is extremely undesirable for those who do wish to continue to smoke to gather together and seek common locations to smoke at break times. This presents a poor image of the Council even if in public areas. Whilst there is no mechanism by which this can be prevented so long as the policy is being adhered to, employees are asked to respect the aims of the policy and avoid this behavior. Managers cannot arrange 'other agreements' or ad hoc smoking arrangements outside of this policy.

2.5 Smoking in Council rented buildings: Where the Council rents a building, this policy applies to employees working there and to all the areas listed above. Where such a building is shared, the Council will request that the policy is adopted by other organisations and that the policy is applied to communal areas.

2.6 Staff smoking in uniform or with GBC Identification badge showing

Staff smoking before or after work should only do so with Gedling Borough Council uniform covered so as not visible by members of the public, so far as reasonably practicable (SFARP).

2.7 Arnot Hill Park arrangements: Arnot Hill Park is a public recreation park as well as being the location of the Council offices and therefore the grounds are in effect the boundary of the park. It is not deemed practical to enforce a ban on employees smoking within this area, although this practice will be discouraged. For the purposes of defining the area where smoking is not permitted for employees on the Civic Centre

Campus, there will be no smoking within 20 metres of the footprint of any building e.g. Civic Centre and Arnot Hill House. Visitors to the Civic Centre and Elected Members will be expected also to adhere to this 'limit' however it is recognised that this cannot be enforced for members of the public and therefore there may be some inconsistency.

2.8 Jubilee House, Depot, Transport Services workshops and car park areas: these are non-smoking areas. Smoking is permitted before and after work, during unpaid breaks, there is no defined smoking area in these areas. Employees, visitors and contractors should be informed to smoke off premises i.e. the Baptist Church car park where an astray is provided or adjacent public roads.

2.9 Electronic cigarettes (e-cigarettes) and charges

E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user. Data from March 2014 indicate there are over 2 million regular users of e-cigarettes in Great Britain, 99% of which are current or ex-smokers; one third have stopped smoking and the other half actively trying to quit.

The Council acknowledges that some employees may wish to make use of electronic cigarettes, particularly as an aid to giving up or reducing smoking or indeed moving away from tobacco completely. The Council also recognises that e-cigarettes are different from tobacco cigarettes and consequently we should seek to treat e-cigarettes in relation to the workplace issues they create (balancing the opinions of non-smokers/users), not to just simply apply the same principles for tobacco cigarettes.

E-cigarettes are not covered by smokefree legislation because no burning takes place and no smoke produced. While tobacco smoke represents a known and serious risk to bystanders, we have little of the same evidence for e-cigarettes vapour and current evidence indicates that the risk from their use is significantly lower. Indeed smokers are likely to be better informed than non-smokers at present to the misconceptions of e-cigarettes resulting in mixed wider public perceptions. There is also a genuine anxiety from the public health community that e-cigarettes could 'normalise' smoking again.

2.9.1 Is there harm from second hand e-cigarette vapour?

The current evidence suggests that there is no reason to be concerned about any harm to bystanders from second hand vapour. A review of the evidence for Public Health England concluded: "*The health risks of passive exposure to electronic cigarette vapour are... likely to be extremely low*".

2.9.2 Will allowing their use undermine smokefree legislation?

There are concerns that the appearance and use of e-cigarettes could undermine our high levels of compliance with smoke-free requirements. However, burning tobacco produces a distinctive and pervasive smell as well as deposits of ash.

2.9.3 Can electronic cigarettes help smokers quit?

The evidence is still emerging regarding whether electronic cigarettes are a useful aid to stopping smoking. Findings from early randomised control trials have suggested that e-cigarettes are about as effective as nicotine replacement therapies (nicotine containing gums), patches and sprays etc) at improving a smoker's chance of success. However, more recent real world studies have suggested that they might be 60% more likely to help smokers quit than the nicotine replacement medicines which can also be purchased over-the-counter without a prescription. Certainly a very large number of people have used, and are using them, as part of their quit attempt.

2.9.4 Will the use of electronic cigarettes in public encourage children to smoke?

Currently, there is no evidence to suggest that use of electronic cigarettes in public places encourages tobacco use among children. While there has been an increase in children experimenting with electronic cigarettes, regular use remains very low and is almost exclusively among children who already smoke.⁴ There are concerns that the marketing of electronic cigarettes could impact on children's behaviour and steps are being taken to control this.

2.9.5 The Council's current approach to e-cigarettes.

In applying the workplace issues SLT weighed the current evidence available, unfortunately due to the limited research about the long-term effects of e-cigarettes being largely unknown, The Council (SLT) has temporarily made the decision more on an 'appearance and etiquette basis, rather than a health and safety' to treat e-cigarettes under the smoking general policy restrictions that the main principles of tobacco smoke should be applied. Employee feedback is encouraged and should be directed through their line managers who can then inform the relevant CHAS Officer to feedback comments at CHAS meetings held quarterly.

To understand the risks and perceptions Research was undertaken by the safety officer, the CHAS Group where then consulted. SLT where then informed and made the decision to e-cigarettes for the time being with the same principles of tobacco smoking until research and medical evidence can support a change in policy.

To support employees the following guidance outlines The Council's policy on the use of e-cigarettes:

- The Line Manager and Personnel should be contacted in the first instance.
- The use of e-cigarettes is not permitted as per general policy prohibited areas.
- Individuals are only permitted to use e-cigarette during unpaid breaks as per general policy guidelines.
- If an individual chooses to smoke e-cigarettes they do so at their own risk.
- At the discretion of their manager, staff may take breaks to use e-cigarettes. In line with existing general policy guidelines and on productivity and breaks from work which are not statutory breaks (e.g. taking personal phone calls, flexi leave) staff are expected to do so in their own time and as agreed by their manager.
- The use of e-cigarettes is not permitted while in any vehicle that is used for either paid or voluntary work because a) these are enclosed spaces and b) Council policy does not allow eating, drinking, smoking or any other activity while driving for health and safety reasons.
- Due to potential health and safety implications employees are not permitted to charge e-cigarettes at work (any Council Premises) or in any GBC vehicles. (This policy applies to all electrical devices including mobile phone chargers which have not been tested and approved.)

2.10 Nicotine replacement medicines (Patches, gum & sprays) these can largely be purchase over the counter. Nicotine patches and spray are exempt from the Smoking policy restrictions. However, Nicotine chewing gum, is an issue concerning the professional image of the Council and should be managed in a reasonably practicable manner.

Policy for Third Party Premises

2.11 Employees required to visit other premises, both commercial and domestic, as part of their duties should advise the people responsible for the premises of Gedling Borough Council's Smoking Policy when arranging a visit. Although Gedling Borough Council has a duty of care to protect its employees it cannot control the Smoking Policy on these premises. Employees and/or managers should aim for the people visited to arrange for a non-smoking area to be provided for the duration of the visit. Where this is not possible, the visited should be requested to refrain from smoking inside the premises or in the meeting area for one hour before the visit and be asked not to smoke for the duration of the visit.

In circumstances where it is not possible to arrange a visit beforehand, employees should seek advice from their line manager, who should take all reasonable steps to protect them from exposure to second hand smoke.

It is recognised that there will be circumstances, particularly in visiting some domestic premises, where it will not prove possible to establish such arrangements, therefore a risk assessment should be undertaken. In such circumstances the risk of entering the premises where smoking is taking place need to be weighed against the risk of not undertaking the visit.

The general policy principles above also apply to third party premises.

Application of policy within Parks and Street Care Service area

2.12 PASC Service area personnel receive unpaid lunch breaks, smoking is permissible in accordance with general policy guidelines.

Application of policy Waste Services Operational Staff

2.13 Waste Services operational staff have unpaid breaks, smoking is only permissible during these breaks in discreet locations. i.e. not outside schools or on main thoroughfares..

3 Application of the policy within the Leisure Centres:

The below information has been designed to support the above Smoking Policy of Gedling Borough Council and to clarify how this is enforced at each Leisure Centre.

Employees: Smoking breaks are prohibited (as per general policy).

The smoking policy states that smoking during work time is prohibited. Leisure Centre staff are paid for their breaks and are therefore not allowed to smoke during their shift/working hours. Smoking for leisure centre staff is only allowed before or after a shift.

The permitted smoking areas on a Leisure Centre site alter from centre to centre because of the difference in land ownership. Below is the clarification of permitted smoking areas, for staff before or after work at each centre:

3.1 Policy For Leisure Centre Bars

All areas are smoke free within the leisure centre, including the bar

E-cigarettes are not permitted within any bar areas.

This ensures that the Council meets its obligations to employees to work in a safe environment

Although members of the public may be permitted to smoke outside the building, depending on the arrangements put in place at each site, the provisions of paragraph 2.1 will apply to employees, who may not smoke on the grounds.

3.2 Arnold Leisure Centre

The Leisure Centre is owned by Gedling Borough Council and therefore smoking is only permitted 20m away from the leisure centre. This takes into consideration the no – smoking policy of Notts County Council, on Notts County Council owned land (the library). Where smoking is prohibited on County Council land.

3.3 Redhill Leisure Centre

This is a joint use site therefore smoking is not permitted on any land that either the leisure centre or school are based.

Smoking is only permitted once you exit the grounds, through the main gates or side gates and on to Redhill Road.

3.4 Calverton Leisure Centre

This is a joint use site, therefore smoking is not permitted on any land that the Leisure Centre or school are based.

Smoking is only permitted once you reach Flatts Lane.

3.5 Carlton Forum Leisure Centre

Carlton Forum is a joint use site with Notts County Council and Carlton Academy, therefore smoking is not permitted on any grounds that the Leisure Centre or school are based. This includes the grass pitches and astro-turf pitch sited on the opposite side of Coningswath road. Smoking by staff is only permitted on the adjacent roads i.e. Coningswath Road and Huckerbys Field.

3.6 Richard Herrod Centre

The Richard Herrod Centre, grounds, car park and grass pitches are owned by Gedling Borough Council. The car park is for designated users of the Richard Herrod site and is not a public car park. As a result, smoking by staff is only permitted on Foxhill Road, the public footpaths or grass banks surrounding the pitches. Due to the proximity of these areas, staff smoking before or after work should only do so with Gedling Borough Council uniform covered so as not visible by members of the public.

3.7 Leisure Contractors

Contractors will be required to follow the policy as per the application of the policy for leisure centre employees.

3.8 Leisure Customers

It would be unmanageable to implement the above policy (for employees) to customers that wish to smoke. Therefore, it has been designed to ensure it can be managed at the leisure centres by the centre's Duty Manager team.

Customers wishing to smoke must do so outside of the leisure centre and away from the entrance doors (A minimum desirable distance is 20 meters from the entrance), so to minimise smoke entering the building through the entrance/ exit doors.

4 Implementation and Enforcement of the Policy

4.1 The aims of the policy:

- To protect employees and members of the public from the effects of 'second hand smoke' and the encouragement of substance misuse.
- To ensure that the reputation of the Council and its employees is not damaged by apparent support and image of smoking. Including: E-cigarettes.

- To encourage and support employees who smoke to cease smoking to improve their own health.

4.2 Service Manager responsibilities: Each Service Manager is responsible for the promotion and maintenance of a smoke free working environment in their area of responsibility. Managers should refer to the guidance document regarding their responsibilities in relation to the policy and the implementation of it.

4.3 Guidelines for Contractors & Visitors not adhering to the Policy: they should be asked to comply or leave the premises.

4.4 Job Application stage: All job applicants shall be made aware of the Policy at the point of application.

4.5 Where the policy can be obtained: A copy of the Policy will form part of the Employee Handbook.

5 Information, training and support available.

The council recognises that smoking is an addiction and aims to provide a supportive environment for those wishing to overcome it and in doing so to promote the health and well-being of all employees. Smoking and nicotine devices (e-cigarettes) should be prohibited except in areas that have been designated exempt. For those, suitable control measures should be applied. Initiatives to support employees to stop smoking are promoted through the annual health fair and include the use of patches and electronic cigarettes. Details of support can be obtained from the Safety Officer.

6 Review of the Policy

The Policy will be reviewed by management when required.

7 Sanctions and Disciplinary Procedures

Any breach of this policy could be treated as an issue of misconduct. Where there is evidence of a breach, an investigation under the Council's Disciplinary Procedure will be carried out. Employees should be aware that failure to follow a policy of the council could be considered misconduct and could potentially lead to dismissal.

8 Legislation References:

- A. Health and Safety at Work Act 1974 (HASAWA74)
- B. The Management of Health and Safety at Work Regulations 1999 (Management Regs 99)
- C. The Workplace (Health Safety and Welfare) Regulations 1992 (Workplace Regs 92)