

APPENDIX 31 - SMOKING AT WORK POLICY

GENERAL INTRODUCTION

1. Background information

Smoking is the largest avoidable cause of death and serious disability in the UK. In the UK around one in five adults, about ten million people are current smokers, five million of whom are expected to die prematurely from smoking related diseases and illness. It accounts for about one in six deaths each year in the UK (Source: Public Health England. 2014). It remains one of Public Health England's top priorities.

1.1 Legislation

The Health and Safety at Work Act 1974 outlines the general duties of employers to their employees which include the common law duty to take reasonable care for the safety of those employees and the provision of a safe working environment.

Managers have a duty to undertake risk assessments to safeguard non-smokers from the discomfort caused by tobacco smoke and other smoking devices.

Smoking has been prohibited by law in virtually all enclosed and substantially enclosed work and public places throughout the United Kingdom since July 2007. Smoke-free legislation in England forms part of the Health Act 2006.

1.2 Purpose

The purpose of the Smoking at Work Policy is to protect and improve the health, safety and wellbeing of all elected members, employees and others who visit or use Council premises. It reflects both an ongoing duty of care and a commitment to raising awareness of the dangers of smoking and of second hand smoke exposure. The policy also encourages and supports employees who want to cease smoking to their own health.

1.3 Definition

Smoking is defined by the Council as: "The use of any product or device to inhale smoke or vapour from tobacco or any other substance. This includes the use of electronic cigarettes but does not include the use of prescribed medicines."

2. General Policy

2.1 Who the Policy applies to:

The policy applies to employees, Members, contractors, partners, agency staff and visitors. If the implementation of the policy presents particular difficulties for any employee, they should discuss this in the first instance with their line manager who can seek further support from the Council's personnel team.

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

- § all Council owned and controlled buildings and their grounds, including car parks, footpaths and driveways but not public car parks or recreational grounds.
- § all vehicles owned, leased or hired by the Council.
- § employees' own vehicles when other employees are present and whilst engaging in Council duties.

2.3 Smoking during working hours:

Employees may smoke before or after work and during their official 'meal break', but not on the Council's premises or in vehicles as defined in the policy.

It is acceptable for employees, subject to the operational requirements of the service and management agreement to have a maximum of two short breaks, totalling no more than 20 minutes, in their working day (but again not on the Council's premises or in vehicles as defined in the policy).

For operational reasons there may be some jobs, or some occasions, when taking a smoking break is not permitted by a manager. Whenever an agreed smoking break is taken, the time for this needs to be made back either through the flexitime scheme or through some other appropriate mechanism determined by the manager.

As a consequence of the Council's action plan that supports its Declaration on Tobacco Control, smoking will not be permitted by any employee of the Council during paid hours from April 2016.

2.4 Facilities and ad hoc smoking arrangements:

No facilities e.g. smoking shelters or designated communal smoking areas will be provided for smokers either inside or outside Council premises. Whilst there is no practical means of preventing those who smoke gathering in particular place employees are expected not to do this as it may result in a negative impression of the Council being formed when viewed by the public.

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:

Whilst at work, and so far as is reasonably practicable, employees who smoke in accordance with this policy should do so with their Gedling Borough Council uniform covered as not doing so may create a negative impression of the Council when viewed by the public.

2.7 Arnot Hill Park arrangements:

Arnot Hill Park is a public recreational park as well as the location of the Council's Civic Centre offices. It is not deemed practical to enforce a ban on employees smoking within this area. Employees that do use the park area to smoke are asked

not to congregate in groups and be mindful of the negative impression this may create to the public. Smoking will not be permitted 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 is difficult to enforce for visiting members of the public.

2.8 Jubilee House, Depot, Transport Services workshops and car park areas:
These are non-smoking areas. Employees, visitors and contractors should be informed to smoke off premises i.e. the Baptist Church car park where an ashtray is provided or adjacent public roads.

2.9 Electronic cigarettes (e-cigarettes) and chargers:
The Council acknowledges that some employees may wish to use e-cigarettes as an aid to reducing their smoking levels or indeed quitting.

Having had due regard to the limited and uncertain evidence base surrounding e-cigarettes they are, at this time, to be treated in the same way as tobacco cigarettes within this policy.

2.10 Nicotine replacement medicines (Patches, gum & sprays):
Nicotine patches and spray are exempt from this 'policy's restrictions, however the use of nicotine based chewing gum may have a negative reputational impact when used by public facing staff and so its use must be discussed and agreed by the employee's line manager.

Policy for Third Party Premises:

2.11 Employees who are required to visit other premises, both commercial and domestic, as part of their duties should advise the people responsible for those premises of Gedling Borough Council's Smoking at Work Policy when arranging a visit. Although Gedling Borough Council has a duty of care to protect its employees it cannot control the Smoking Policies on third party premises. Employees, or if appropriate their managers, should request that a non-smoking area be provided for the duration of the employees' visit. Where this is not possible, the people 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 will 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.

3 Policy For Leisure Centre Bars:
All areas are smoke free within the leisure centre, including the bar area and the use of e-cigarettes is also not permitted.

Members of the public may be permitted to smoke outside the building, depending on the arrangements put in place at each site.

The permitted smoking areas on leisure centre sites alter from centre to centre because of differences in land ownership. Clarification of permitted smoking areas is provided below:

3.1 Arnold Leisure Centre:

The leisure centre is owned by Gedling Borough Council and therefore smoking is only permitted 20m away from the building. This takes into consideration the no smoking policy of Nottinghamshire County Council, which owns the library building

3.2 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 outside the grounds

3.3 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 outside the grounds.

3.4 Carlton Forum Leisure Centre:

Carlton Forum is a joint use site with Nottinghamshire 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 employees is only permitted off site on the adjacent roads.

3.5 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 employees is only permitted on adjoining roads, the public footpaths or grass banks surrounding the pitches. Due to the proximity of these areas, employees smoking before or after work should only do so with Gedling Borough Council uniform covered so as not visible by members of the public.

3.6 Contractors and customers:

Contractors will be required to follow the policy in the same way that it applies to leisure centre employees.

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 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.

4.2 Guidelines for Contractors & Visitors not adhering to the Policy:

They should be asked to comply or leave the premises.

4.3 Job Application stage:

All job applicants shall be made aware of the Policy at the point of application.

4.4 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 therefore it 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. 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 or Personnel Team.

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 undertaken.

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)