

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee
DATE: 24th March 2015
CONTACT OFFICER: Kevin Gordon, Assistant Director Professional Services
WARD(S): All

PART 1 **FOR APPROVAL**

SMOKING POLICY UPDATE

1 Purpose of Report

A proposal to amend the Council smoking policy which governs times that staff are permitted to smoke during the working day

2 Recommendation(s)/Proposed Action

- 2.1 That Employment & Appeal committee agree changes to the Council Smoking Policy set out in Appendix 1, that extend the hours that staff are not permitted to smoke to 09.30am – 12.00 noon and 14.00 – 16.30pm.
- 2.2 That Employment & Appeals agree an implementation date of the 1st April 2015.

3 Supporting Information

Public Health England reports that smoking causes more preventable deaths than anything else - nearly 80,000 in England during 2011.

Even with the change in legislation in July 2007, statistics confirm that there are still more than 8 million smokers in England. Public Health England wants to reduce smoking rates by December 2015 to:

- 18.5% or less for adults (compared to 21.2% for April 2009 to March 2010) - meaning around 210,000 fewer smokers per year

In order to support staff and as part of the Council's Employee Wellbeing programme, the Council have engaged Solutions 4 Health to support staff achieve its goal of becoming a smoke free environment. Since the 13th January 2015, Solutions 4 Health have been based at the 2 main sites, twice a week to offer free one to one confidential support, provide weekly nicotine replacement therapy and expert advice to staff who want to set a quit date. Evidence proves that you are four times more likely to quit smoking with assistance.

There has been an increase in publicity to encourage staff to 'Commit to Quit'. The Public Health team have also been on hand to raise awareness and remind staff that these sessions are available. Unfortunately we do not have any data to identify how many employees smoke and therefore it is difficult to measure whether this initiative is having an impact. However so far we have 8 employees that have signed up to 'Commit to Quit' which demonstrates that there is interest and we plan on reviewing their progress with Solutions 4 Health over the coming weeks.

In 2007, the Council passed a policy as a result of the new rules regulating smoking at work which came into force and made it an offence to smoke in enclosed public places or to knowingly permit smoking. The policy was reviewed to reinforce this at the Council. In 2014 the Council reinforced the times that staff can smoke in work time which is currently anytime outside core hours (10am – 12noon and 14.00pm – 16.00pm).

Since this was reinforced it has been acknowledged that staff, in general, have complied with these hours. However the Councils aim is to further reduce smoking at work. Therefore a recommendation to extend the times that staff are not allowed to smoke during the working day is proposed. The Smoking Policy (attached as Appendix 1) has been amended to confirm that staff are not allowed to smoke within the following hours (09.30am – 12.00noon and 14.00 – 16.30pm). It is proposed to implement the revised policy from the 1st April 2015.

To support managers to deal with any queries from employees about this change Frequently Asked Questions have been written to go on the SBC Insite (attached as Appendix 2).

Appendix 1 No Smoking Policy

Appendix 2 Proposed Smoking FAQ's & Answers

No Smoking Policy

1. Introduction

Smoking is regarded as the biggest single cause of ill health and premature death in this country, with about half of all regular cigarette smokers eventually dying from smoking related conditions. Smoking accounts for over a third of respiratory deaths, over one quarter of cancer deaths and about one seventh of cardiovascular disease deaths. Cigarettes in particular contain various substances and when it burns it releases over 5,000 chemicals some of which are known to cause cancer. Women who smoke during pregnancy or are exposed to tobacco smoke also place their unborn children at risk. In addition to the hazard and discomfort associated with passive smoking, it also represents a significant fire risk.

In many work places the number of smokers has decreased substantially over the last 20 years. Attitudes to smoking are becoming increasingly negative as fewer people smoke in the U.K. There is increasing concern over the possible health risks from passive smoking. As employees have become more aware of the serious health risks faced by smokers and non-smokers, increasing pressure has been placed on employers to doing something about it.

Taking positive action to limit passive smoking will reduce health risks to smokers and non-smokers and reduce time lost through sickness absence.

With effect from 1st July 2007 new rules regulating smoking at work came into force making it an offence to smoke in enclosed public places or to knowingly permit smoking. There has been further research undertaken with regard to nicotine replacement therapy and electronic cigarettes however this is still being researched to inform decisions about the most effective and proportionate form of regulation.

2. No Smoking Council

Slough Borough Council has always been committed to providing a safe and comfortable working environment for employees and visitors and has operated a no smoking policy for a number of years. SBC aims to reduce the exposure of non-smokers to tobacco smoke at work and will consider control measures with a view to eventually eradicating smoking totally on all council sites.

However, it is recognised that smoking can become a habit and an automatic response in certain situations, as well as a dependency and a physiological addiction. The aim of this policy is not to isolate or discriminate against people who smoke, however the authority has a legal responsibility to provide and maintain a smoke free environment for employees, clients and visitors.

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3. Nicotine Replacement / E-Cigarettes

E-cigarettes are not regulated like tobacco products and there is currently no bespoke regulatory system for e-cigarettes in the UK, but they are captured by general product safety regulatory requirements. The Council requires staff to apply the same principles as if they were smoking a tobacco cigarette and does not allow smoking of E-cigarettes in the Council buildings.

4. Compliance with Legislation

- All visitors and contractors will be notified of the legislation via notices in reception areas.
- Smoking, in designated areas will only be permitted in the employee's own time and will not be permitted within the following hours (09.30-12.00 & 14.00-16.30).
- Notices reminding people they are in a smoke-free area will be displayed in prominent locations.
- Means to assist employees to quit smoking will be provided
- Any contravention of this policy by employees will be regarded as a disciplinary breach and will be treated as misconduct under the Disciplinary Policy.

5. Who is Responsible?

Directors are responsible for:

- promoting awareness of this policy to all line managers;
- making sufficient resources available to ensure implementation of the policy.
- reviewing procedures and measures with a view to promote a smoke free environment

Senior Managers are responsible for:

- ensuring that all employees receive instruction in this corporate policy, and any safety arrangements on site relevant to smoking on joining the Directorate;
- ensuring that all workers co-operate to ensure the success of this policy and monitor compliance and act upon breaches of this policy.

Building Managers / Facilities are responsible for:

- ensuring the display of appropriate signs at all entrances and throughout all corporate buildings;
- through their room booking facility, ensuring all people booking rooms are aware of the standards in this policy;
- regularly checking areas to ensure that illicit smoking is not taking place;
- ensuring corporate designated smoking areas are kept clean and 'cigarette end' receptacles are emptied regularly.
- In care homes if smoking is allowed for clients it is only permitted in a specifically designated smoking room

Employees are responsible for:

- co-operating to ensure the implementation of this policy;
- if a smoker; complying with the no smoking rules and also ensuring they use the receptacles provided to dispose of their cigarette ends.
- notifying managers on discovering incidents of illicit smoking where health and safety may be compromised (This could be under the councils Whistle-blowing Policy) and
- complying with legislation at all times.

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Health and Safety is responsible for:

- ensuring that this document is reviewed as and when required or sooner if legislation, approved codes of practice or incident forms highlight deficiencies in the policy;

Human Resources is responsible for:

- providing advice and information on this policy to all employees of SBC.

6. Legislation & References

- Health and Safety at Work etc Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health, Safety and Welfare) Regulations 1992
- Slough Borough Council Health and Safety Policy
- Slough Borough Council Whistle-blowing Policy and Procedure
- The Health Act 2006 – Smoke Free England
- HSE: Advice on Smoking at Work
- Public Health England
- Action on Smoking and Health (ASH)

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Proposed Smoking FAQ's & Answers

- **Why are we reviewing this policy now?**

Smoking is also considered as one of the biggest causes of ill health and premature death in this country and as part of the Council's Employee Wellbeing Project and focus on reducing sickness levels across the Council this policy needs to be re-enforced.

Slough Borough Council has always been committed to providing a safe and comfortable working environment for employees and visitors and has operated a no smoking policy for a number of years.

This is not a new policy and was introduced in 2007 following new rules regulating smoking at work which came into place in July 2007 making it an offence to smoke in enclosed public places. In 2014 the Council reinforced the times that staff can smoke in work time which is currently anytime outside core hours (10am – 12noon and 14.00pm – 16.00pm). These new changes which extend the period of which staff cannot smoke to 9.30am – 12.00noon and 14.00pm - 16.30pm are a further step forward to supporting staff's wellbeing in the Council.

- **What if my staff members say this policy is discriminatory against staff who smoke?**

The aim of this policy is not to isolate or discriminate against people who smoke, however we do have a legal responsibility to provide and maintain a smoke free environment for employees, clients and visitors.

- **What do I do if my staff member still goes out for a cigarette at 11am?**

The policy is very clear that smoking is only allowed in designated areas, in the employees own time and is not permitted within the following hours (9.30am to 12.00pm and 2.00pm to 4.30pm).

Managers should ensure that all their staff are made aware of this policy and when smoking breaks are permitted and that any contravention of the policy will be regarded as a disciplinary breach and will be treated as misconduct under the Council's Disciplinary Policy.

If a member of staff abuses this policy and still goes out for a smoking break during core hours, it should be discussed individually with them and they should be advised that their actions breach the smoking policy. They should be instructed that they should only take smoking breaks outside of the permitted hours and that if they continue to breach this policy they will be subject to Disciplinary action.

- **What if my staff member offers to make up the time?**

It is made clear in the policy that smoking is only permitted outside of stated hours.

- **How do I help my staff give up?**

As part of our Employee Wellbeing campaign, the Council has arranged information events for staff to find out more about quitting smoking. Weekly stop smoking clinics are being held over the 2 main sites as below where staff can speak to a stop smoking adviser and pick up free nicotine replacement therapy.

The sessions are at:

- Landmark Place – every Thursday from 11.30am – 1.30pm
- St Martins Place – every Monday from 10am – 2pm.

- **As a manager what is my responsibility with regards to this policy?**

You will be responsible for ensuring that all your employees receive instructions in relation to this policy; and any safety arrangements on site relevant to smoking. You will also be responsible for ensuring that your staff co-operate with the instructions in this policy and to monitor compliance and act upon any breaches.

- **How will compliance be monitored?**

Regular checking of the designated smoking areas will be carried out to ensure that illicit smoking is not taking place. Any staff seen smoking outside of the permissible hours will be reported to their line managers and the appropriate action will be taken.

- **Where do I go for further advice about implementing the policy with my staff?**

For further advice please speak to your HR Business Partnership Team or the Public Health Team.