

SOLIHULL METROPOLITAN BOROUGH COUNCIL

NO SMOKING POLICY

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework

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1. INTRODUCTION

Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to: *'...provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.'* In addition the Health Act 2006 prohibited all smoking in enclosed public places and workplaces with effect from 1st July 2007 in recognition of the harmful effects of second hand smoke.

Solihull Council acknowledges that second hand smoke (breathing other people's tobacco smoke) has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions. The Council acknowledges that breathing other people's smoke is both a public health hazard and a welfare issue. Therefore the following policy has been adopted concerning smoking at all Solihull Council premises and grounds.

2. POLICY STATEMENT

Solihull Council recognises its responsibilities to provide a safe working environment to all its employees. The Council is committed to be completely smoke-free from 1st July 2007. This policy also applies to schools premises and grounds.

3. POLICY OBJECTIVES

The Council recognises that secondhand smoke could adversely affect the health of employees. It is concerned with where people smoke and the effect this has on service users, visitors, colleagues and other members of the wider community. It wishes to minimise the exposure to environmental tobacco smoke to those who choose not to smoke and also to raise awareness of the health risks associated with smoking.

The specific objectives of the Policy are as follows:

- Comply with Health and Safety Legislation, Employment Law and Health Act 2006
- So far as is reasonably practicable maintain a healthy and safe working environment and protect the current and future health of employees, service users, contractors and visitors.
- So far as is reasonably practicable maintain the right of everyone to breathe air free from tobacco smoke.
- Raise awareness of the dangers associated with exposure to tobacco smoke.
- Staff will no longer be able to "clock out" on smoking breaks. Staff will only be able to smoke during their lunch breaks and this must be off council workplaces including council grounds and internally situated car parks.

4. SCOPE OF THE POLICY

This policy will apply to all staff, service users, contractors, visitors, members and other persons on Solihull Council premises and to staff located in any other premises during work hours. When appointments are offered to service users of Solihull MBC services, that will take place at their home address, it is essential, via appointment letters, leaflet or telephone, that a

request be made to provide a smoke free environment ideally one hour before the visit takes place.

5. THE POLICY IN OPERATION

No member of staff employed by Solihull MBC will be permitted to smoke whilst on duty or representing the organisation. Staff are only permitted to smoke whilst off duty (in official break times e.g. Lunch break). "Under the Working Time Directive, where staff work for longer than six hours they are entitled to a break of a minimum of 20 minutes

In practice, the smoke free policy will mean that smoking is not permitted in any of the following areas:

- Any part of buildings under the management of the Council. (including doorways, and refuse areas).
- The grounds of all Council workplaces including internally situated car parks. (NB: see exception below)
- All council owned or hired vehicles whether or not carrying the Council logo.
- Private vehicles used by staff **at the time of carrying service users** on council business.

Exception:

Where smoking takes place immediately outside Council premises and it is considered that this arrangement is potentially hazardous or damaging to the Council, employees, or members of the public, the Council will give consideration to designating an open smoking area on Council premises. This will be subject to the suitability of such an area and a risk assessment being undertaken.

Notices will be displayed in buildings informing staff, visitors, members and service users that the building and/or designated area is smoke free.

Any breach of this policy or its application by staff will be addressed by managers and may result in disciplinary action.

6. RESPONSIBILITIES OF MANAGERS

Managers must ensure that staff, are aware of this policy and understand its implications.

Managers must ensure that the agreed signage is in place to inform visitors to Solihull MBC premises about the smoke free policy and respond appropriately to individuals who do not comply with the request to refrain from smoking.

Managers who receive reports of non-adherence to the policy within their location should ensure signage is appropriate within the location and all staff made aware of the policy.

Managers must ensure compliance with the policy to protect employees, service users and visitors from the dangers of environmental tobacco smoke.

Any infringement of these rules by an employee may result in appropriate disciplinary action, which will be dealt with in accordance with the Councils' disciplinary procedure. Employees are also reminded that it is a criminal offence for employees to smoke in enclosed public places.

7. RESPONSIBILITIES OF EMPLOYEES

All employees must ensure that they are familiar with the contents of this policy document and they comply with it.

8. ELECTRONIC CIGARETTES

The Council acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up smoking. E-cigarettes are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user.

Although they fall outside the scope of smoke-free legislation, the Council prohibits the use of e-cigarettes in the workplace. The Council's rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance to other employees;
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to maintain, and creating an impression for visitors/customers/other employees that it is acceptable to smoke.]

9. SMOKING CESSATION SUPPORT

The NHS Stop Smoking Service offer programmes of smoking cessation support for staff to include group, individual, behavioural and telephone support. The Solihull Stop Smoking Service can be contacted on 0121 704 6000. Details of local smoking cessation clinics can be found here:

<http://communityservices.heartofengland.nhs.uk/default.asp?page=341>

Where employees have to attend smoking cessation services and this cannot be reasonably arranged outside normal working hours, paid time off will be allowed. This will be subject to service considerations and agreed with the Manager.

10. COMMUNICATION

Prospective employees will be informed about the smoke free policy of Solihull MBC in job advertisements, recruitment application packs and at interview. New staff will be advised of the contents of the policy documentation at induction.

11. MONITORING AND REVIEW

The policy will be monitored and reviewed by the Corporate Director of Customer Services, and amended as necessary through the Policies and Procedures Sub-Group and Governance Committee.

This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines.

12. SIGNAGE

The Smoke-free (Signs) Regulations 2007 make it a requirement that there should be at least one no-smoking sign at each public entrance to smoke-free premises and that the signage should be displayed in a prominent position. The sign must be at least A5 size and should display a no-smoking symbol (consisting of a burning cigarette enclosed in a red circle and with a red bar across it i.e. the international no smoking symbol). The sign should also state: "No smoking. It is against the law to smoke in these premises" "The words "these premises" can be replaced with another phrase that identifies the premises, for example "this school". It is Solihull Council's policy that these signs should also be displayed in the grounds and internally situated car parks that are designated "no smoking". There are fines under the Smoke-free (Penalties and Discounted Amounts) Regulations 2007 for a failure by employers and individuals to comply with the rules relating to smoking.