

North East Derbyshire District Council

Council

7 September 2015

Smokefree Policy – Update

Report No ADHRP/06/15-16/AG of the Assistant Director – Human Resources & Payroll

Purpose of the Report

To ask Council to approve a proposed update to the Council's Smokefree Policy.

1 Report Details

- 1.1 The policy attached at **Appendix 1** was approved in 2014.
- 1.2 Council's attention is drawn to section 3, specifically the following reference: 'Smoking and the use of electronic cigarettes will not be permitted in Council grounds.'
- 1.3 Because of the situation of the new offices at Mill Lane, the nearest offsite location is a significant distance from the building and the gate is close to domestic houses. As implementing the requirement to leave the Council grounds would lead to a significant amount of lost time, and potentially bring smokers into close proximity to residents, it is proposed to amend this requirement.
- 1.4 Therefore, it is proposed to designate an area at the Mill Lane premises for smokers to use. The reference to not smoking within 5m of any Council workplace will remain.
- 1.5 The proposed amendment to the policy is shown as a tracked change.

2 Conclusions and Reasons for Recommendation

- 2.1 It is necessary to revisit the terms of this Policy in relation to the recent move to Mill Lane because of the physical layout of the site.

3 Consultation and Equality Impact

- 3.1 The Unions were fully involved in discussions in 2014 when this policy was amended to include electronic cigarettes, and Council JCG agreed to this proposed change at their meeting held on 15 July.

4 Alternative Options and Reasons for Rejection

- 4.1 The loss of time involved if employees were required to leave the Council premises at Mill Lane when smoking would potentially affect efficiency and productivity.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None.

5.2 Legal Implications including Data Protection

- 5.2.1 None.

5.3 Human Resources Implications

- 5.3.1 These are set out within the report.

6 Recommendations

- 6.1 Council are asked to agree to the proposed amendments and approve the revised policy for adoption.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

8 Document Information

Appendix No	Title
1	Smokefree Policy
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Tania Morrell Senior Human Resources Adviser	(01246) 217006



SMOKEFREE POLICY

1. Introduction

It is a well known and scientifically proven fact that exposure to second hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or segregating smokers in the same airspace as non-smokers does not completely eliminate potentially dangerous exposure.

Since the introduction of electronic cigarettes there has been little research into the possible side effects and ongoing effects of using electronic cigarettes as an alternative to cigarettes. For this reason electronic cigarettes will be treated in the same way as cigarettes by the Council and for the purpose of this policy.

2. Aims of the Policy

The Council recognises that exposure to second hand smoke has an adverse effect on the health of employees, workers, service users, customers and visitors.

This Policy Statement has been prepared and seeks to:-

- make arrangements which will protect persons employed by or having business with the Council from exposure to second hand smoke, and
- assist compliance with the Health Act 2006.

3. Policy Statement

It is the policy of the Council that:-

- all workplaces under the Council's control are smoke free and
- the Council's image and reputation are protected and
- that all employees have a right to a smoke free environment.

The original policy came into effect on 1st October 2007. This revised version of the policy includes the addition of electronic cigarettes. The following rules will apply.

- Smoking and the use of electronic cigarettes is prohibited in all Council controlled workplaces with no exceptions. This includes council vehicles.

The policy applies to all employees, elected members, workers, contractors, customers, and visitors.

- Smoking and the use of electronic cigarettes will not be permitted in Council grounds, except in designated areas, where appropriate.

The Council will introduce guidance to limit employee exposure to second hand smoke from clients/ members of the public, the following steps will be taken.

- Ask any service users or clients who are visited regularly not to smoke for a certain period prior to any pre-arranged visit and during a visit. The client should also be asked to ensure that no-one living in the house with them smokes.
- If people do smoke, ask that they limit their smoking to rooms where people will not be working and open windows in rooms where people are working to help clear secondhand smoke.
- Identify employees who have a pre-existing condition that is made worse by exposure to tobacco smoke, such as asthma, COPD and cardiovascular disease or who face additional risks e.g. due to pregnancy. Employees who have such conditions are at higher risk and particular care should be taken to prevent or minimise their exposure to tobacco smoke.
- Ensure that no employee is expected to make consecutive visits, or even a sequence of visits, to houses in which they are likely to be exposed to tobacco smoke.
- Smoking is permitted outside the workplace and outside working hours, i.e. before/after work or during breaks. Employees on flexi time may be permitted to take smoking breaks, subject to the requirement to 'clock/swipe' out. However this is at the discretion of the manager, and is subject to the needs of the service.
- Employees are prohibited from smoking within 5 metres of any Council workplace.

4. Implementation

Overall responsibility for the implementation of this policy rests with Line Managers.

All employees are expected to co-operate in the implementation of the policy.

The policy shall be included in the Employee Handbook/Intranet.

Line managers shall ensure that all new employees are made aware of the requirements of the policy.

Appropriate signs relating to smoking restrictions shall be displayed in all premises and vehicles.

Tender documents shall include reference to the policy requirements where appropriate.

5. Non-Compliance

Disciplinary action will be taken against any employee failing to comply with the policy.

Any visitor seen to be smoking or using electronic cigarettes at any premises will be advised of the policy and asked to extinguish/put away smoking materials and/or electronic cigarettes.

Any contractor seen to be smoking or using electronic cigarettes at any premise shall be reminded of the contractual conditions verbally and in writing.

All persons attending Council premises need to be aware of the requirement to comply with the policy and that non-compliance will be a breach of the Health Act 2006 and therefore a criminal offence.

Private Dwellings: smokers will be requested to refrain from smoking during visits from Council employees and that, if people insist on smoking in the presence of Council employees, the visit will be ended and they will be asked to attend a Council office.

6. Policy Review

This policy shall be reviewed as necessary and will be subject to change to take account of any operational or legislative requirements.

September 2013