

## **WORKPLACE SMOKING POLICY**

### **1. Purpose**

This policy is intended to:-

- Ensure that all members, employees and visitors to Hinckley & Bosworth Borough Council premises benefit from a smoke free environment.
- Ensure Hinckley and Bosworth Borough Council complies with current legislation
- Provide opportunities and support to members and employees who wish to give up smoking.
- Direct customers who wish to give up smoking to existing smoking cessation services.

### **2. Background**

Smoking is the greatest single preventable cause of premature death and illness in Hinckley & Bosworth Borough. Despite this, smoking prevalence rates remain relatively high. Nationally, whilst in recent years the rate has been falling, it is estimated that there still remains 20.7% of the population smoking regularly<sup>1</sup>. Every year, smoking results in more than 80,000 deaths in those aged over 35 in the UK, equivalent to 182 residents in the Borough<sup>1</sup>. Most people who die because they smoke will develop one of the three diseases most widely associated with the habit – lung cancer, chronic obstructive lung disease or coronary heart disease and in addition are more likely to suffer from chronic illness.

Passive smoking, breathing other people's tobacco smoke, has been medically proven to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions. Passive smoke can trigger or aggravate respiratory conditions such as asthma or bronchitis. It can also irritate eyes, cause coughs and headaches and generally make non-smokers feel ill.

The Health Act 2006, places a legal duty upon Hinckley & Bosworth Borough Council to ensure that its premises and vehicles are smoke free. The Council also has a duty under the Health & Safety at Work etc Act 1974 to provide and maintain a working environment for employees "which is, so far as is reasonably practicable safe, without risk to health....". Additionally, as an employer the Council has a duty in common law to take reasonable care to protect the health of employees.

The Health & Safety at Work etc Act 1974 also requires employers to ensure visitors and others not in their employment are not exposed to risks to their health and safety.

It is important that as a responsible employer the Council should take proactive steps to prevent its employees and visitors to its premises from the risks of becoming ill through passive smoking. Such action also prevents the

Council being heavily fined in a Criminal Court or sued for substantial compensation.

In addition to complying with its legal obligations Hinckley & Bosworth Borough Council, along with partner organisations, has an important role in improving the general well being of its employees and residents. As such, it can direct employees and residents to specialist smoking cessation services run by the Primary Care Trust, for those wishing to give up smoking.

The following policy has therefore been adopted by Hinckley & Bosworth Borough Council in order to reduce the number of smokers amongst our employees and residents and to comply with legislation.

### **3. General Principles**

This policy is based on three core principles. Hinckley & Bosworth Borough Council is committed to:

Tackling smoking and reducing the occurrence of tobacco related death and illness across all communities in the Borough.

Protecting the health of all its employees and visitors by ensuring a smoke free environment.

Promoting the health of members and its employees, including the health of smokers by providing, with partners, opportunities and support for those who wish to give up smoking, as well as directing enquiries from residents, who wish it, to smoking cessation support services.

The Council recognises the rights of its employees and individuals to smoke. However this Council has enforcement and health promotion duties which actively discourage smoking. Therefore the policy is designed to ensure that there is no perceived conflict of interest on behalf of the Council by ensuring those who wish to stop smoking are actively encouraged and those who wish to smoke do so, but to do so in a manner which does not reflect on the Council.

### **4. Scope of Applications**

This policy applies to all Hinckley & Bosworth Borough Council members, employees (including agency and temporary employees, independent contractors and peripatetic workers), external contractors and visitors to our premises. This policy applies to all parts of the premises that are directly controlled by the Council and in outdoor locations where Council employees or contractors are at work.

This policy also applies to Council owned vehicles whilst engaged on Council business. The driver of the Council owned vehicle also has a legal obligation to stop any passenger from smoking in that vehicle. Essential and Casual users, using privately owned vehicles, out of courtesy for any passenger, should not smoke when transporting colleagues in the course of work.

## **5. Promoting a Healthy and Safe Workplace**

The Council is committed to fulfilling its legal obligations by providing a smoke free environment for all employees.

Smoking is not allowed, therefore, in any part of Hinckley & Bosworth Borough Council's premises except within or around the smoking shelter. No smoking is permitted in corridors, toilets and car parks adjacent to Council buildings. This applies to members, employees and visitors. Smokers are requested not to smoke immediately outside any Council premises in view of the public.

To protect employees who visit customers in their homes customers may be asked not to smoke one hour before the visit or during the visit. Equally, it is not acceptable for employees to smoke in the homes of customers. During the visit the employee may also request the opening of a window within the customer's home in order to ventilate it. When customers refuse reasonable requests for no smoking in their home during a visit by an employee of the Council, Line Managers will provide a letter to the customer requesting the customer and their family not to smoke one hour before the visit or during the visit and the employee may request a window to be opened to ventilate the customer's home. If the customer and/or other occupants do not respect this, the Line Manager will ask for and arrange an alternative venue for the appointment where reasonably practical.

To help members and employees comply with the policy a programme of support will be offered for those who would like help to stop smoking as outlined in Section 8. Residents who enquire about smoke cessation services will be referred to specialist support, also outlined in Section 8.

## **6. Smoking Areas**

A smoking shelter has been provided for use by all who wish to smoke at the Hinckley Hub and is the only designated smoking area at the Hub. Employees working at the Atkins and Jubilee buildings should do so outside but not immediately adjacent to the Council premises, and dispose of smoking materials responsibly. Employees working at the Hinckley Hub, Atkins Building and Jubilee Building should ideally smoke outside of core hours. It is not acceptable for employees to take excessive additional time off for a smoke break. For those employees who work irregular work patterns and not contracted core hours, smoking is only permitted during normal break times.

## **7. E- Cigarettes**

The current smoke free legislation does not cover the use of electronic cigarettes and therefore it is not an offence to use an electronic cigarette. However there are concerns on the use of electronic cigarettes:

- they may be mistaken for actually smoking encouraging others to smoke believing either that that it is permitted to do so or that no action will be taken against them for doing so.
- many public health advocates are concerned that the availability and use of electronic cigarettes could re-normalise smoking, so

encouraging their use among children and acting as a gateway to smoking;

- Councils and others in society do have a role in creating role models, particularly to children and to endorse positive messages to the public. One such message would be to encourage less smoking, in any form, so that less smoking is seen as “normal behavior” especially to children.
- the Council has a role in projecting a clean and healthy image for its premises and therefore should discourage smoking.
- electronic cigarettes do produce vapours which some people find as unpleasant as passive smoke.
- whilst it is acknowledged that there is no proven health risks from using an electronic cigarette or to those around the user, there are health concerns about the effects of vapour from electronic cigarettes but they have not been in use long enough to yet fully understand the risks and this matter is still being researched. Some concerns have also been expressed on the safety of electronic cigarettes.

The Council wishes to take a proactive approach at being a role model to encourage smoking reduction and providing no endorsements to children regarding the acceptability of any form of smoking, whilst also being cautious of any potential risks to health posed by electronic cigarettes, but taking account that some nicotine containing products may also help smokers to quit.

This policy therefore treats cigarette lookalikes and those that produce a vapour, as if they were cigarettes so as not lead to any confusion with people mistakenly perceiving that people are smoking. This policy does not prevent other forms of nicotine such as medicinal nicotine available on prescription and over the counter including lozenges, mouth sprays and gums which are used by many people to find an alternative aid to stop smoking.

## **8. Support for Smokers**

The Council currently provides support and assistance to members and employees wishing to stop smoking. This will continue to be given primarily through referral to our partner The NHS STOP smoking service. A nicotine replacement therapy or Champix can be used to aid your quit attempt. Champix and nicotine replacement are available on prescription (if you do not pay a prescription charge then it is free to you). It is important to note that you are 4 times more likely to quit smoking with support and medication.

Where necessary, time off to attend stop smoking cessation clinics can be arranged during working hours. If sufficient employees wish to give up smoking, the Council will consider facilitating in-house clinics.

For Specialist smoking cessation service support phone 0845 045 2828 or 01509410242 or text on 07717420560.

Residents who are smokers enquiring on specialist support to help them quit can also receive support through these lines.

## **9. Implementation**

The following steps will be taken to ensure that this policy is communicated as widely as possible.

Employees:

It is the responsibility of the Council's Strategic Leadership Board to ensure that the policy is implemented.

Information on the policy will be circulated to all existing employees. All employees who request a copy of this policy will be provided with one.

The policy will be inserted on the Council's intranet.

All job descriptions will state the Council has a 'No Smoking Policy'. Candidates will be made aware of the policy at interview.

All new starters, agency staff and contractors will be informed of the policy at induction.

The requirements to comply with this policy will form part of the contract between suppliers of agency personnel and contractors.

In the unlikely event of an employee not respecting the policy, their Line Manager will attempt to resolve the situation informally in the first instance offering appropriate help and support. Ultimately, repeated breaches of the policy will result in disciplinary action being taken in accordance with the Council's Disciplinary Procedure. Employees who observe breaches of this policy should report such incidents to a Manager who would then deal with the situation appropriately.

Individual employees are encouraged to take up any questions or concerns about the policy to the Chief Officer for Corporate Governance & Customer Engagement.

## **10. Visitors**

Adequate signs, prominently positioned will be displayed informing that the Council premises are non-smoking.

Visitors seen smoking should be politely informed that smoking is not permitted on Council premises.

## **11. Unions/Health and Safety Representatives**

This policy has been devised in full consultation with all of those employees who are concerned with health and safety in Council workplaces. It also enjoys the support of Unison.

## **12. Monitoring and Review**

A formal review of the policy will be undertaken within 12 months of implementation of the policy. Trade unions and health and safety representatives will be consulted over the results of the monitoring and review via the Local Joint Panel. Trade unions and health and safety representatives will be consulted in good time about any proposed changes to the policy.

<sup>1</sup> Hinckley & Bosworth Health Profile 2012.