

Smoke Free Policy

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1. Policy statement

- 1.1 The Council recognises its responsibility to protect its employees from smoking related diseases and disabilities by creating a smoke free environment.
- 1.2 Smoking is the biggest preventable cause of death in the UK. It poses a health hazard to smokers and non-smokers by increasing the risk of lung cancer, heart disease, other serious illnesses and disability. The 2009 Area Assessment of Thurrock stated:

“Smoking rates are well above the England average with nearly 3 in 10 adults smoking. There are over 210 deaths each year from smoking.” (p7)

- 2.2 On a more positive note, the same report also found that:

“Proactive work in the community has led to higher rates of people quitting smoking. In the last year, 1,195 local people have quit.” (p4)

- 2.3 As well as protecting its employees, The Council recognises its responsibility to take a leading role in continuing this momentum within the community so that public health improves and preventable death, disease and disability caused by smoking reduce further.

2. Scope

- 2.1 All members of staff at Thurrock Council.
- 2.2 Staff in schools act as role models and in order to reduce the uptake of smoking amongst young people, governing bodies and head teachers may operate to a separate policy as defined by the People Services Directorate.
- 2.2 The restrictions in this policy apply to all employees, workers, consultants, contractors, visitors to Council premises, volunteers and third parties hiring Council premises. It also applies to staff employed by other organisations working with the Council, as far as is reasonably practicable.

3. Aims & objectives

- 3.1 Thurrock Council aims to ensure:
- it complies with health and safety and employment law;
 - awareness is raised of the dangers associated with exposure to tobacco smoke;
 - employees who wish to stop smoking are supported;
 - employees are protected from smoking related diseases and disabilities;

- a smoke-free environment is maintained at work;
- a model of good practice is created, for residents and other organisations in Thurrock;
- Thurrock Council is recognised as a health promoting organisation.

4. Definition

- 4.1 For the purposes of this policy, smoking is defined as the burning of any type of cigarette, pipe or cigar, or the consumption of any other product which contains tobacco.

5. Smoking restrictions

- 5.1 The Health Act 2006 led to England becoming smoke free on 1 July 2007. This law aims to protect employees and the public from the harmful effects of second-hand smoke, and has meant that, since 2007, it has been against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles.

Council and other premises

- 5.2 Smoking will not be permitted in any Council-operated buildings and associated outdoor areas such as depots, yards and car parks.
- 5.3 Smoke free legislation applies to workplaces and most places open to the public. In addition, any enclosed or substantially enclosed area which is shared with other premises, such as a communal stairwell or lift in a block of flats, will be required to be smoke free if it is open to the public or used as a place of work, for example, by a cleaner, postal worker or security guard.
- 5.4 Where a building is shared, the Council will request that the policy is adopted by other organisations and applied in any communal areas.
- 5.5 The Council aims to remove smoking at all venues where it has control or influence and where this is feasible. The practicality of doing so with the public in some locations is, however, recognised.

Vehicles

- 5.6 Smoking is not permitted in Council vehicles and non-Council owned vehicles when used for work purposes, regardless of whether smokers or non-smokers use the vehicle.
- 5.7 This will not apply to employees' own vehicles if they are primarily used for private purposes unless, whilst working:
- they are transporting colleagues or members of the public;
 - they are driving, or are parked on, Council premises.

Smoking during work time

- 5.8 Employees are not permitted to smoke during working hours or to leave their place of work during work time to smoke.
- 5.9 Smoking is only permitted during contractual breaks and lunchtimes and must not be done on council operated sites (see 5.2 to 5.5 above). This applies to Council staff wherever they are employed, regardless of whether the Council owns the premises or land where they are working.
- 5.10 Staff may not smoke if they are wearing a Thurrock Council identity badge or any other item which could identify them as a Thurrock employee.

Sale of Tobacco Products

- 5.11 In line with the policy's aim to discourage tobacco use, the sale of tobacco products and matches or lighters is prohibited at all Council premises and no sponsorship or marketing of tobacco products or tobacco companies is acceptable at Council-operated sites.

6. Signage

- 6.1 No-smoking signs will be displayed in all smoke free premises and vehicles in accordance with the smoke free legislation.

7. Residential and day care settings

- 7.1 Council-controlled residential settings are people's homes and are therefore partially exempt from the smoke free legislation. Designated bedrooms, or designated rooms used only for smoking are exempt from the legislation if they are designated as such in writing by the person in charge of the premises. However, Council staff working in such premises continue to be covered by the Council's Smoke Free Policy.

8. Visiting premises which are not smoke free

- 8.1 If Council employees are required as part of their work to visit premises which are not smoke free, all reasonable arrangements will be made to minimise exposure to smoke. Line managers will agree such arrangements with employees in advance. These may include informing service users etc. of the Council's smoke free policy in advance, and requesting that the environment is kept smoke free while Council employees are present (see Appendix 1).
- 8.2 It is, however, recognised that there may still be environments which Council employees will have to attend as part of their duties which are not smoke free.
- 8.3 Employees required to visit such premises can discuss with their manager whether any measures can be taken to minimise exposure to smoke.

9. Responsibilities

- 9.1 **The Council:** Local authorities are responsible for enforcing the smoke free legislation. Thurrock Council will, where possible, offer information and support to help local businesses and other organisations meet their legal obligations.
- 9.2 **Elected Members:** Members have declared a commitment to adhere fully to this policy and support the officers in achieving its aims.
- 9.3 **Employees:** all employees are responsible for complying with and promoting this policy and enforcing it with service users and colleagues. Information on the policy will be made available to new starters during the induction processes and to all staff via the intranet.
- 9.4 **Managers and Human Resources:** managers of smoke free premises and vehicles are responsible for enforcing this policy. If they are uncertain about how to do this in any specific workplace, they should discuss the matter with Human Resources with a view to finding a solution. Human Resources can also contact Corporate Health & Safety in circumstances where they are unsure.
- 9.5 Managers are also responsible for ensuring that their staff adhere to this policy and should lead by example by demonstrating an active commitment to its success.
- 9.6 Any employee who approaches their manager about stopping smoking should be encouraged to do so and referred to *Vitality*, a free and confidential service run by South West Essex NHS (tel. 0800 077 8000).
- 9.7 Managers of premises should try to ensure that staff do not smoke in areas immediately adjacent to Council sites or entrances to Council premises, as this gives a negative impression of the Council.
- 9.8 Employees smoking in these areas should be asked to move away in order to help promote the Council's policy. All bins, ashtrays and similar apparatus should be removed from these areas in order to discourage smoking.
- 9.9 Both Human Resources staff and managers must ensure that the smoking policy is clearly explained to applicants during the recruitment process.

10. Help to stop smoking

- 10.1 The Council recognises that nicotine is an addictive substance and that some employees may have difficulties complying with this policy. Support will therefore be offered and managers should adopt a supportive approach.
- 10.2 Research shows that 70% of smokers wish to stop smoking and successful measures have already been taken to help Thurrock residents to quit.

- 10.3 Managers may, when service provision allows, grant up to 3½ hours' paid time off work, and additional, reasonable unpaid time off, if required, in order for employees to attend appointments to help them stop smoking.

11. Non-compliance

i) Criminal acts: failure to comply with the principles of this policy may in some cases lead to a criminal offence being committed. Penalties and fines for smoking offences in contravention of the Health Act 2006 are as follows:

- Smoking in smoke free premises or work vehicles: a fixed penalty notice of £50 imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
- Failure to display no smoking signs: a fixed penalty notice of £200 imposed on whoever manages or occupies the smoke free premises or vehicle. Or a maximum fine of £1,000 if prosecuted and convicted by a court.
- Failing to prevent smoking in a smoke free place: a maximum fine of £2,500 imposed on whoever manages or controls the smoke free premises or vehicle if prosecuted and convicted by a court.

ii) Acts of misconduct: any breach of this policy may be deemed misconduct under the disciplinary procedure and, for persistent or serious breaches of the policy, gross misconduct. This will also apply to managers of facilities and buildings who persistently fail to impose the smoking ban at the sites under their control.

Any employee not complying with this policy should, in the first instance, be asked to discuss the matter with their line manager. Managers should remind the employee of the no smoking rules and of the support available. Managers should stress the need for compliance and discuss ways in which the employee can comply. Managers should explain that further non-compliance could lead to disciplinary action and that individuals found to be in breach of the smoke free legislation could also be fined, as described earlier in this section.

iii) Members of the public: any member of the public in breach of this policy at Council-owned or controlled indoor and outdoor locations should be politely informed about the policy by the employee who notices the breach and asked to either stop smoking or leave the Council premises, as they are in breach of Council policy.

If the individual refuses to comply, or if the member of staff doesn't feel confident or safe to approach the individual, they should alert a more senior officer, who should either speak to the individual or refer the matter to the security officers (x2432 at the Civic Offices).

12. Useful resources

Vitality (SW Essex NHS)
Action on Smoking and Health
Smokefree England (NHS)

13. National and local documents

Help for Smokers who want to Quit, NHS
Stress Management Guidelines, Thurrock Council
The Wanless Report (Securing Good Health for the Whole Population) 2004
Choosing Health: Making Healthy Choices Easier 2004
The SCOTH (Scientific Committee on Health and Tobacco) report 2004

[Sample flyer to send to service users if concerns about smoking are experienced or anticipated]

SMOKING POLICY

Thurrock Council is a smoke free authority and as such does not permit smoking in its buildings or surrounding grounds.

If you, or your relatives and friends, are smokers could we kindly ask you to refrain from smoking while our staff are in your house. While we accept that this is your home and that you have every right to smoke in it if you choose, we also have a duty to our staff to provide them with a smoke free working environment wherever possible.

It would be very helpful if you could refrain from smoking for at least half an hour before our staff visit your home and for the duration of their visit.

We would like to thank you for your cooperation in this matter.

**Thurrock Council
Community Mental Health Team**

Frequently Asked Questions

I don't want to live in a nanny state. Surely it's up to me when and where I smoke?

Since July 2007, it has been against the law to smoke in virtually all enclosed public places, workplaces and work vehicles. A fixed penalty notice of £50 may be imposed on any individual found smoking on smoke free premises; this may rise to £200 if the individual is prosecuted and convicted by a court. The Council has a legal responsibility to prevent people from smoking in its premises in order to reduce the serious health problems which this habit causes in Thurrock.

How does breathing in other people's smoke affect my health?

A report commissioned by the Government found that breathing in second hand smoke increased the chances of both lung cancer and heart disease by 25% in people who don't smoke. Each year 11,000 people die in Britain as a result of breathing in second hand smoke – that's 30 people each week.

I can work when I'm taking a smoking break, so what's the problem?

The Council has prohibited smoking breaks as part of its policy. When employees are away from their workstation they cannot be contacted by most people and are unable to perform their full range of duties. Employees should only leave the premises for contractual breaks. In addition, the Council would like to set a good example as a smoke free organisation, so employees seen smoking outside Council buildings gives the wrong impression.

What about other employees who take long coffee breaks, spend ages in the toilet or stand around talking in work time?

Regular, prolonged absences from the workplace are not acceptable, whether they are by smokers or non-smokers. Under previous arrangements smokers were allowed time off in addition to toilet and refreshment breaks. The Council is a reasonable employer and realises that employees must have the chance to go take comfort breaks, but where these cause excessive time to be lost managers must take action to ensure better control.

Isn't it going a bit far, not allowing smoking during working hours?

The Council has been given a responsibility by the Government to work with the community to reduce smoking levels in the borough. Levels of smoking in Thurrock are significantly higher than the national average. The Council has a responsibility for the health of its community and wants to take a proactive approach to the biggest cause of preventable death in the area. If employees are seen smoking on or outside Council premises it suggests that the Council condones smoking. The Council wishes to demonstrate, by example, that it takes public health seriously.

I manage a team of employees and at times someone has to leave the workplace to take documents to other buildings. Two of our team are smokers and are asking if they can do this task in future so that they can smoke once they leave our site. Should I agree to this?

Under this policy, Council employees are not allowed to smoke whenever and wherever they are at work, and this will include employees who have to leave their workplace for certain tasks.

Also, it is important to be fair to the whole team. Having the chance to go outside to carry out a task is a break from routine which many would look forward to and shouldn't, therefore, be restricted to employees who smoke.

What about contractors? Will they be allowed to smoke when working for the Council?

No. Contractors will need to comply with Council policy when on Council sites.

Isn't it a bit harsh to threaten to discipline employees for smoking?

Until 2007, breaches of the smoking policy were dealt with more informally, with the disciplinary procedure used only as a last resort. When the smoke free legislation came into force in 2007 the implications of non-compliance, for both employees and the Council, became much more serious and in some cases may now constitute a criminal offence. This means that a firmer approach must now be taken.

If you tell employees they can't smoke at work, won't they smoke more at home and put their family's health at risk?

There is no evidence to support this. In fact evidence shows that workplace bans encourage smokers to give up or reduce the number of cigarettes they smoke. If employees are more aware of the harm that second hand smoke has on their family's health they will be less likely to smoke in front of them.

Isn't it a breach of my human rights to tell me I can't smoke at work?

No. The law and policy do not affect the right to private life; they cover employees' time at work. Protecting workers from second hand smoke is rooted in health and safety legislation. The Council has a legal obligation to protect its workers from exposure to known health hazards.

How will this policy be enforced?

The policy will be enforced like any other Council rules. Employees will be asked to comply with the policy and managers have been given clear guidelines on how to enforce it. Members of the public must also comply with this policy and will be asked not to use Council facilities and sites if they will not comply.

I won't be able to manage until lunchtime without smoking?

The Council recognises that nicotine is addictive and wants to support employees in complying with this policy. If employees are concerned about how the policy will affect them they should talk to their line manager in the first instance and/or contact *Vitality*, the NHS's local service to help people stop smoking.

My job is stressful. I need to smoke to cope?

Nicotine withdrawal causes tension and putting nicotine back into the body reduces this tension, which is why smokers feel it calms them down to smoke. Smoking is a learned response to stress and is a behaviour that can be unlearned. The Council's Stress Management Guidelines may be of assistance. Alternatively, it may help to talk to your line manager or HR Adviser. Smoking will neither change stressful situations nor will it make them go away.

I've been a smoker for 20 years and have never been able to give up before?

Smokers often have many attempts before they manage to quit for good. Most smokers go 'cold turkey' and try and give up on their own. But studies show that using a local stop smoking service doubles your chances of giving up. Using a nicotine replacement product, such as patches or gum, alongside a stop smoking service *doubles* your chances of quitting. Research has also shown that a highly successful way to support smokers who want to give up is to remove smoking breaks during the working day.

I've been smoking so long, what's the point giving up now?

It's never too late to give up. The younger you are when you stop, the greater the health benefits, but even someone who stops smoking at 65 will benefit.

After five years of giving up, your risk of lung cancer is halved. Blood vessels reopen, meaning there is no progression of the threat of heart disease that smoking carries, and as circulation improves your skin will look better.

The younger you are when you stop smoking, the more 'good life' you claim back. Half of all smokers will die as a result of their habit, and the younger you are when you stop, the less chance there is of smoking causing you physical disability or leaving you with a debilitating disease.

Also, if you smoke 20 a day, by giving up for ten years you'll save yourself around £18,250. That's the cost of 28 flights to Australia, 73 weekends at a health spa or one sports car.

Won't these restrictions put people off wanting to work for the Council?

The Council isn't telling people they can't smoke, just when and where it is acceptable for them to smoke whilst they are at work. The Council's policy will be made clear in job adverts and at interview, so people will be able to make a choice if

they aren't happy with what's on offer. By law, all workplaces have to be smoke free, so smokers will find a similar situation wherever they choose to work.