



East Dunbartonshire Council

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**POLICY ON TOBACCO AND
CONTROL OF SMOKING AT WORK**

Revised February 2006

TOBACCO AND CONTROL OF SMOKING AT WORK POLICY

1. INTRODUCTION

East Dunbartonshire Council is very conscious of its responsibilities for the health, safety and welfare of its employees, and acknowledges its duty under Section 2 (1) of the Health and Safety at Work Act 1974, the Management of Health & Safety at Work Regulations 1999 and the Safety & Health of Pregnant Workers Act (Directive 92/85/EEC) and gives consideration to the Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

2. PURPOSE.

This policy has been developed to protect all employees, elected members, members of the public, visitors, temporary employees, clients, pupils/students and contractors hereinafter referred to as “employee’s etc” from exposure to second-hand smoke and to assist compliance with the Smoking, Health and Social Care (Scotland) Act 2005.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

The Policy was developed by a multi disciplinary/multi departmental policy group. Due consideration was given to the information contained on the returned employee questionnaires on smoking in the workplace.

3. HEALTH RISKS

Smoking remains the biggest single cause of preventable illness and is responsible for 130,000 deaths per year in the UK – 13,000 of these in Scotland.

Passive smoking means breathing in other people’s tobacco smoke. The health risks of exposure to second hand or Environmental Tobacco Smoke (ETS), as it is known, are clear.

- Exposure to second-hand smoke is a cause of lung cancer and, in those with long-term exposure, the increased risk is 20-30%.
- Exposure to second-hand smoke is a cause of heart disease, and represents a substantial public health hazard.
- Exposure to second-hand smoke can cause asthma in children, and may increase the severity of the condition in children already affected.
- In addition to the long-term effects, recent research suggests that second-hand smoke may trigger heart attacks in some people after only short periods of exposure. Although the level of risk is not yet known, it has been advised that people at risk of coronary heart disease and those with known coronary heart disease should, where possible, avoid indoor smoky environments.

4. AIMS AND OBJECTIVES

This policy underpins the Council's commitment:

- To comply with the law.
- To provide a smoke free environment for employees, etc.
- To inform employees and managers of their responsibilities in respect of the policy
- To support employees who smoke, to help them cope with increased restrictions or to stop smoking.
- To promote the culture of a Smoke Free Council.

5. SCOPE

This policy applies to all employees, etc.

- It applies to all **locations**, outside entrances and exits to Council premises or on the campus areas of the authority's schools/early years centres, vehicles, community venues, town halls, council chambers, Members accommodation, including shared premises, children's units, sheltered housing communal areas, toilets, lifts, stairs, corridors, canteens, rest areas, depots, meeting/training rooms, cupboards, storerooms and locker rooms.
- This means:-
 - No smoking in any vehicles owned or leased by the council or in vehicles contracted for transportation of Council clients.
 - Smoking is not permitted at entrances and exits to Council premises.
 - Council employees are not permitted to smoke in clients homes.

6. EXEMPT SITE (See appendix I for full list)

For employees who work in a smoky environment within an exempt site:

A Risk Assessment of the working area should be carried out particularly if the employee is pregnant.

Employee exposure to second-hand smoke should be reduced by adopting a safe system of work e.g. developing a client contract to ensure a service user does not smoke during and prior to a visit to their home, staff rotation, airing a smoky room before cleaning

7. IMPLEMENTATION

The Smoking, Health and Social Care (Scotland) Act 2005 and The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 come into effect on Sunday 26th March 2006 at 0600hrs.

The policy will be implemented from 0600hrs on the 26th March 2006 and applies to all employees etc across the Council. It is the responsibility of employees to abide by the terms and conditions of the policy.

The Chief Executive, Directors and Heads of Service will be responsible for the implementation and operation of this policy in consultation with the local Trade Union representatives in respect of Council premises which fall within their control/responsibility.

The Directors and Heads of Service should require Managers to draft a site plan which should indicate a “designated external area” for smokers, **if this is reasonably practicable**. Campus areas of the authority’s schools/early years centres are deemed to be ‘**no smoking**’ areas. This will ensure clarity of understanding where an employee may smoke and where smoking could lead to the Code of Discipline and Disciplinary Procedures of the Council being invoked.

The Head of Human Resources will ensure that all employees are informed of the policy. Training and guidance will be provided for managers to assist with the effective implementation and enforcement of the policy.

New and potential employees will be made aware of the policy at recruitment interviews with contracts and at induction. Support and guidance regarding the tobacco policy will be provided by Human Resource Services.

8. ENFORCEMENT

There are very few exemptions to the smoking ban. The new law will affect most council premises, including workplaces, work vehicles, and previously designated smoking rooms.

Failure to comply with the law will be a criminal offence. The fines payable for those breaking the law (Smoking, Health and Social Care (Scotland) Act 2005) are

Employers: £200 for permitting others to smoke in no-smoking premises:

Employers: £200 for not conspicuously displaying warning notices in no-smoking premises:

Employees

Or others: £50 for smoking in no-smoking premises.

Refusal to pay or failure to pay may result in prosecution and a fine of up to £2,500.

Officers of the Council’s Environmental Health Department will enforce the law, have the power to levy fines, and offer support. The fines are not part of the Disciplinary Procedures for Employees. Separate provisions will apply under the Council’s Disciplinary Procedures for Employees.

9. RISK ASSESSMENT

In terms of Health and Safety, specific risk assessments will be undertaken in all areas where Council employees could be exposed to tobacco smoke in community based settings. This will identify level of risk and the actions required to minimise such. The Risk Assessment form in Appendix II should be used.

Employees have a responsibility to identify to their line manager/supervisor that they are experiencing adverse affects of passive or second-hand smoke encountered as part of their work, reasonable steps must be taken to reduce the risk and immediate referral through Human Resources to Occupational Health should be considered.

10. SUPPORT TO STOP SMOKING

The Council recognises that many smokers want to quit smoking, and that employees may use the policy to enhance their motivation to stop. Equally, it is recognised that many smokers do not wish to stop and they must be helped to cope with the restrictions imposed by this policy.

All employees who smoke will be encouraged to seek advice on modifying their smoking behaviour or stopping.

- Prescription cost refunded for nicotine replacement therapy (NRT) up to a maximum of £15.00
- Self-help information will be held by all line managers/supervisors.
- Information will be provided regarding cessation support group meetings (Special leave may be granted).
- The Council will promote 'National No Smoking Day'.
- Periodic publicity campaigns will be undertaken to encourage smokers to stop.
- Tobacco products will not be sold, advertised or otherwise promoted in the Council.
- Information will be available on the HUB/Healthy Lifestyle site and links available to Quitline, Smokeline, Starting Fresh, etc.

11. COMPLIANCE

The policy applies to all employees etc:-

- Contractors and Service providers will be informed of the policy during the contracting process.
- The main policy provisions will be clearly displayed at all entrances to the premises.
- Visible and legible 'No Smoking' signs, complying with the legislation, must be displayed in or on any premises affected by the ban, so that they can be seen and read by people approaching the premises.
- Visible and Legible 'No Smoking' signs, complying with the legislation, must be displayed in or on any vehicles affected by the ban, in such a way that they can be seen and read by persons approaching the vehicle in question.

- The signs must display details of a responsible person and telephone number to whom a complaint may be made by anyone who observes someone smoking in a 'No Smoking' area.
- Visitors Badges will contain information regarding the policy.

It has been confirmed with the Environmental Health Officers, who will enforce the law in the Council, that details of a telephone number together with directorate and service would be suitable and sufficient on the signs displayed in the vehicles and premises.

The Tobacco and Control of Smoking at Work Policy forms part of the Council's Health and Safety/Employment procedures. Breach of the policy should lead to the application of the disciplinary procedures. Breaches of the policy must be treated equitably and fairly across all levels of the organisation.

In the unlikely event of an employee etc not respecting the policy, it's important that you know what to do:

- Draw the person's attention to the 'No Smoking' signs and remind them that not only are they committing an offence but they could be subject to disciplinary action. Politely ask them to stop smoking.
- Advise the person that it is also an offence for the responsible person to let anyone smoke in their premises.
- Explain to them that the Council has a smoke-free policy to ensure a safe working environment for all staff and customers.

If the person smoking is an employee:

- If your warning has been ignored, immediately ask them to leave the premises (and where relevant inform them where they can smoke).
- If the person refuses, they should be advised that the disciplinary procedures for EDC employees will be invoked.
- The incident should be reported to the appropriate manager.
- Maintain a record of all such incidents on internal incident reporting form PER/HS1(a).

If the person smoking is a customer/service user, etc:

- If your warning has been ignored, immediately ask them to leave the premises (and where relevant inform them where they can smoke).
- If he/she refuses, implement the normal procedure for anti-social/illegal behaviour in the premises.
- Maintain a record of all such incidents on internal incident reporting form PER/HS1(a).

If the person smoking is a customer/service user in their own home or Council rented accommodation:

- Politely ask them to stop smoking and explain that the Council has a Smoke Free policy to ensure a safe working environment for all employees.
- If the customer carries on smoking explain employees are at liberty to refuse service if they continue to smoke.
- Maintain a record of all such incidents on internal incident reporting form PER/HS1(a).

In all cases where physical violence or intimidation is threatened or encountered, seek the assistance of the police.

A National Compliance Line will operate after the law is introduced. This will be charged at local rates and allow the public to report anyone smoking in enclosed public places. The number will be advertised before the law comes into force, and all complaints will be investigated.

12. MONITORING/REVIEW

- A review of the policy will be undertaken initially six months from the date of implementation and thereafter annually.
- The review will be undertaken by the Policy Group. The review will include monitoring compliance and awareness levels, application of the correct procedures in the case of a breach and the uptake of support by smokers.
- A report will be produced for note to the Corporate Management Team.

APPENDIX I

EXEMPTIONS (as listed in schedule 2 to the regulations)

Those premises (or parts of premises) which are exempt from the legislation are:

1. Residential accommodation
2. Designated rooms in adult care homes.
3. Adult hospices
4. Designated rooms in psychiatric hospitals and psychiatric units.
5. Designated Hotel Bedrooms.
6. Detention or Interview rooms which are designated rooms.
7. Designated rooms in offshore installations
8. Private Vehicles.
9. Designated laboratory rooms.
10. HM Submarines and Ships of the Royal Fleet Auxiliary.

RISK ASSESSMENT FORM

Please complete one sheet for each Risk Assessment.

Directorate		Department	
Risk Assessors			
Location			
Activity			
Date		Review Date	
Description of Activity/Hazard			
Persons at Risk			
Current Control Measures			
Please circle appropriate number (1=very low, 5 = very high) and Risk Priority Rating			
Likelihood: 1 2 3 4 5		Severity: 1 2 3 4 5	
Risk (Likelihood x Severity)			
Risk Priority Rating		High (16 – 25) Medium (9 – 15) Low (1 – 8)	

Recommended Control Measures	
Management Action Taken and Implementation Dates(s)	
Training	
Personal Protective Equipment	
Signature of Manager	
Name of Manager	
Date	



SMOKING POLICY

RATIONALE

Employers and service providers of EDC have a legal responsibility to protect employees and users from the effects of tobacco smoke, which is a proven threat to health.

This policy ensures that a smoke-free atmosphere in all early years centres and surrounding environments is adhered to by all adults in the early years community.

AIM

The aim of Killermont Primary Nursery Class is to ensure that a smoke-free atmosphere in all early years centres and surrounding environments is adhered to by all adults in the early years community.

OUTCOMES

- Smoking restriction notices are displayed in every early years centre
- No one is permitted to smoke at any time within the confines of the early years centre or within the perimeter fence;
- All early years' employees will be informed of this policy and made aware of the non-smoking obligations which will be placed upon them

ROLES AND RESPONSIBILITIES:

All Staff & Visitors

- Respect the smoking policy

RESOURCES

HEBS advice

EDC Smoking in the Workplace

EDC policy on Tobacco and Control of Smoking at Work

CROSS-REFERENCES:

The Child at the Centre	6.1
National Care Standards	2.1

In our centre responsibility for implementing this	
First Draft	Date:
Consultation with Early Years Community	Date: 30 October 2003
This policy was created on:	Date: March 2006 (by EDC in line with new legislations)
The policy was reviewed on:	Date: 9 October 2015
Due for review on (not more than 3 years):	Date: 2017/18

