

General Purposes Committee on 2 March 2006Report Title: **Smoking at Work**Report of: **Head of Personnel**Wards(s) affected: **All**Report for: **Non-Key Decision****1. Purpose**

1.1 To review the operation of the Council's smoking policy.

2. Recommendations

Committee is recommended to agree that:

- 2.1 Support is offered to staff wishing to stop smoking through the health promotion activities planned for 2006/7.
- 2.2 The attached revised policy at Appendix A is approved.
- 2.3 A staff publicity campaign is organised to raise awareness of the above.

Report Authorised by:

Contact Officer: **Stuart Young, Head of Personnel, ext 3174****3. Local Government (Access to Information) Act 1985**

No documents that require to be listed were used in the preparation of this report.

4. Background

- 4.1 The Haringey Strategic Partnership has adopted a Healthier Haringey strategy to improve health and reduce inequalities in the borough for its residents to help meet public service agreement targets by 2010. Key elements of the strategy aim to
- Reduce the prevalence of smoking
 - Ensure homes support health
 - Improve access to healthy food and nutrition
 - Work with partners to improve access to health services
 - Increase opportunities for education and employment
 - Improve mental health and emotional wellbeing
 - Increase physical activity.
- 4.2 A key element of the strategy is to reduce the prevalence of smoking and therefore it is deemed appropriate to revise the council's 'No Smoking' policy to ensure it supports this wider agenda.
- 4.3 It should be noted that the government has already published plans in its public health white paper – 'Choosing Health' to ban smoking in most public places. Therefore account will need to be taken of this when the paper becomes law and the policy may require further revision including proposing total ban on smoking. Until then the revisions contained in the new policy attached should be sufficient.
- 4.4 The Council's current policy on No Smoking came into effect in 1995. Since that time it has been policy that all Council premises should be smoke free. The ban extends to Council vehicles, and temporary structures such as kiosks, greenhouses. It also applies in client homes and other workplaces except with permission where such areas are not smoke free.
- 4.5 The policy is well established and it is the norm that offices and general Council premises remain smoke free. Employees who wish to smoke currently do so outside. However, this brings a number of issues. Firstly, it creates a poor image of the Council. Staff are easily identified by their name badges/general attire. Groups of staff standing outside the front entrance of buildings are not a welcoming feature to many visitors. Secondly, it does not accord with the promotion of a healthy lifestyle for residents many of who are employees or see our employees smoking.

5. Proposed Actions

- 5.1 The policy has been reviewed to ban smoking from outside office buildings. It is proposed that staff and Members be informed that the public/main entrances of Council offices should not be used as smoking areas. It is proposed that staff and Members wishing to

smoke use non-public areas away from Council buildings away from public view.

- 5.2 The Council recently reviewed the operation of its occupational health services using a Business Process Review. Some of the actions currently being implemented from that review include health promotion. More support has been given to staff to encourage them to give up smoking. We are currently running a quit smoking campaign and sessions for staff. We have also relaunched our Healthy Lifestyle programmes. Some 300 people have already been through the programme and we are promoting a new programme at present. It includes a lifestyle awareness programme that provides a learning tool for any individual that wants to create a platform to improve their fitness, diet and exercise. Such initiatives support the Government White Paper on 'Choosing Health'.
- 5.3 It is proposed that a publicity campaign raise awareness of the support available for smoking cessation, and the ban on smoking in public/main access points to Council buildings. The details of the campaign to be generated by the Head of Personnel working with the Head of Communications.

6. Legal comments

As an employer the Council has a duty under common law and a duty under the provisions of the Health and Safety at Work Act 1974 to ensure that employees work in a safe environment. The review of the Council's smoking policy set out in this report will assist the Authority in complying with these duties. In this context the arrangements recommended in the report concerning "smoking breaks", including their duration, are ones which the Authority is entitled to make.

7. Financial Implications Comments

- 7.1 Health lifestyle and quit smoking initiatives/ campaigns will be contained within existing occupational health budgets.

8. Equalities Implications

- 8.1 The promotion of healthier lifestyles and control of smoking has benefits for all staff and users regardless of their status or background.

HARINGEY COUNCIL

NO SMOKING POLICY

POLICY AND IMPLEMENTATION GUIDANCE

January 2006

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POLICY STATEMENT & SUMMARY

Haringey Council is committed to improving health and reducing inequalities for all in the borough – as part of it's Healthier Haringey initiative. A key element of this initiative is to reduce smoking because it recognises the right of Employees and Service Users to a smoke-free environment. Consequently 'no smoking' will be the normal practice in all Council controlled buildings and grounds.

Summary

All Council premises are designated as smoke free. Smoking whilst on duty will only be allowed during designated breaks away from Council premises.

Indoor areas

All enclosed areas will be smoke free. This includes offices and other work areas, lifts, corridors, stairways, rest rooms, eating areas, kitchens, meeting rooms, toilets, reception areas, temporary structures (e.g. portacabins, greenhouses and kiosks) and any other enclosed spaces.

All visitors to council premises will be expected to abide by the no smoking rule.

Outdoor areas

- Council staff¹, when taking a smoking break, will not smoke where they can be potentially identified as Council employees and seen by members of the public or in any place that could cause a threat to safety.
- Council staff will not smoke near entrances and exits to buildings nor in car parks
- Smoking is not permitted at all in playgrounds and other outdoor areas mainly used by children and young people under the age of 16, or in sports grounds and other locations in part used for promoting and maintaining fitness and health

Vehicles

All Council vehicles including vehicles on loan, hire or leased to the Council and used for the purpose of work, will be smoke-free

Smoking Breaks

- All council staff who smoke may take up to a maximum of four breaks to smoke during each seven hour twelve minute working day pro-rata (an extra break being allowed for every additional two hours). Smoking breaks can only be taken with the prior

¹ Council staff are defined as employees, council contractors and workers, agency workers

agreement of the manager and are subject to exigencies of the service. It is important to note asking to take a smoking break is a request not an entitlement. Appropriate account should be taken of smoking breaks on time sheets and flexitime sheets (a minimum of 15 minutes each normal working day).

- Smoking breaks must be taken away from Council buildings, including entrances and exits. Smokers must ensure that they are not identifiable as council employees.

General Principles

This No Smoking policy seeks to guarantee non-smokers the right to work, live and visit in Council premises in air free of tobacco smoke, whilst also taking into account the needs of those who smoke.

All Council premises are designated as smoke free. Smoking whilst on duty will only be allowed during designated breaks away from Council premises.

All managers and staff have a responsibility to implement and abide by the No Smoking Policy.

Employer

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 it reasonably practical, safe, without risk to health and adequate as regards to facilities and arrangements for welfare at work”

Employees

Under the Health and Safety at Work Act 1974, employees have duties to take reasonable care for the health and safety of themselves and others and to co-operate with the employer as far as is necessary to enable the employer to comply with the requirements of the Health and Safety at Work Act

Implementation

Staff

This Policy will apply to all council staff (employees, council contractors and workers, agency workers), without exception, regardless of where they work.

Visitors

This Policy will apply to all visitors to premises which are Council work places and which are **enclosed spaces**. They will not apply to **visitors** to outdoor premises unless prescribed in Government legislation.

Indoor areas

All enclosed areas will be smoke free. This includes offices and other work areas, lifts, corridors, stairways, rest rooms, eating areas, kitchens, meeting rooms, toilets, reception areas, temporary structures (e.g. portacabins, greenhouses and kiosks) and any other enclosed spaces.

Shared buildings with other organisations

Where the Council shares premises with other organisations it will approach these other organisations to adopt a similar policy as the council toward smoking prevention, unless a total smoking ban is already enforced within these organisations.

Service users' homes and workplaces

Council employees may not endanger the health and well-being of service users and may not smoke in their homes or workplaces, even when others present are smoking. Employees concerned about the risks to themselves of service users smoking may politely request that the service user refrain from smoking when they are present.

Residential services

The Council recognises that residential care facilities are the homes of the service users and some employees.

The Council remains responsible for safeguarding the health and safety of residents by protecting them from fire hazards and from passive smoking.

The Council will ensure that each residential establishment conducts an annual review to put in place arrangements that safeguard the interests of non-smokers. Smoke detectors should be fitted as appropriate.

Outdoor areas

It is recognised that:

- Smoking can be an irritant for some people (e.g. people with asthma) when in close personal contact with someone smoking, even outside
- Smoking can be a serious threat to safety when near highly flammable or explosive substances, regardless of whether the person smoking is indoors or outside
- The risks associated with exposure to certain pollutants, such as asbestos, are known to be considerably increased amongst people who smoke
- It is important to create an equitable environment for staff, regardless of the job they do.
- It is important that the Council's image as an employer with a 'No Smoking' Policy be upheld, especially in areas used by children and young people under 16.

The following restrictions will therefore apply:

- All employees, whilst on duty, will not smoke unless taking a recognised smoking break
- Employees, when taking a smoking break, will not smoke where they can be potentially identified as Council employees and seen by members of the public or in any place that could cause a threat to safety.
- Employees will not smoke near entrances and exits to buildings nor in car parks
- Smoking is not permitted at all in playgrounds and other outdoor areas mainly used by children and young people under the age of 16, or in sports grounds and other locations in part used for promoting and maintaining fitness and health

Vehicles

It is recognised that:

- Traffic pollutants, such as lead and carbon monoxide, are particularly dangerous when combined with tobacco smoke
- Open windows provide insufficient ventilation
- Smoking whilst driving can be dangerous
- It is important to maintain an equitable environment for staff, regardless of the job they do
- It is important that the Council's image as an employer with a 'No Smoking Policy be upheld

All Council vehicles, therefore, including vehicles on loan, hire or leased to the Council and used for the purpose of work, will be smoke-free

Smoking Breaks

- All employees who smoke may take up to a maximum of four breaks to smoke during each seven hour working day pro-rata (an extra break being allowed for every additional two hours). that Smoking breaks can only be taken with the prior agreement of the manager and are subject to exigencies of the service. It is important to note asking to take a smoking break is a request not an entitlement. The smoking breaks are **not additional** to other usual breaks. It is therefore important that smokers make up their lost time. Appropriate account should be taken of smoking breaks on time sheets and flexitime sheets (a minimum of 15 minutes each normal working day).
- Smoking breaks must be taken away from Council buildings, including entrances and exits. Smokers must ensure that they are not identifiable as council employees.

Enforcement of the Policy

Staff

Breaches of this policy will be subject to the normal disciplinary procedures

Public

Responsibility for ensuring compliance by members of the public lies initially with security officers, porters, reception staff and other Council employees dealing directly with them. It is the duty of the site or premises manager to deal with members of the public who persist in breaching the Council's policy.

Contractors and their employees

All contractors and their employees, whilst on Council business should be subject to the same restrictions on smoking at work as Haringey employees. This policy applies when contractors and their employees are delivering goods or undertaking work in Council occupied workplaces, or when working on behalf of the Council in service users' homes or workplaces. All contractors should be provided with a copy of the policy and expected to comply. Compliance with this policy should be included in contracts as part of the health and safety requirements.

Complaints

Complaints will be dealt with through the Council's normal Complaints Procedures and/or its normal Disciplinary Procedures, whichever is appropriate.

Roles

Legal

- Ensure that the framework for contracts entered into by or on behalf of the Council take account of the Policy
- Provide guidance to Members, managers and staff as appropriate

Procurement

- Ensure that compliance with this policy is included in contracts as part of the health and safety requirements
- Ensure that all contractors are provided with a copy of the policy and that they are aware they are expected to comply

Human Resources

- Ensure that recruitment policy takes account of the No Smoking Policy
- Ensure that disciplinary and grievance procedures take account of the Policy
- Offer guidance and support to managers and staff as appropriate
- Offer support from time to time, through the Council or its partners, to give up smoking and promote a healthier lifestyle
- Ensure staff are aware of any support available to them
- Ensure that all staff are aware of the requirements of the Policy
- Include the policy requirements in induction training
- Monitor and review the policy and consult on any proposed changes to it

Facilities Management

- Erect clear signs in relevant languages at entrances to all Council buildings which indicate that the building, including its entrances and exits, is a smoke free area.
- Where the Council shares the occupation of a building with other organisations or companies, the site manager should seek to reach an agreement with the other occupants to declare the whole building, together with its entrances and exits, smoke-free. If unsuccessful, the site manager should seek to reach agreement on declaring communal areas (entrance, stairs, lifts, etc.) smoke-free. In any case, the policy will apply to all areas in sole occupation by the Council and to all Council staff.

Trades Unions

- Take part in any formal reviews of the policy

Managers

- Ensure that they are fully briefed about the requirements of the policy
- Monitor and implement the working of the policy in their area of responsibility
- Investigate complaints promptly
- Take remedial or disciplinary action where appropriate
- Ensure that all employees are aware of help and support offered by the Council at various times to give up smoking and promote a healthier lifestyle
- Refer staff in need of support to Occupational Health where appropriate

Staff

- Implement and abide by the No Smoking Policy

Useful sources of information

www.ash.org.uk – Action on Smoking and Health: information on all aspects of smoking including Local Authority issues
www.tuc.org.uk – Trades Union Congress: information on workplace smoking issues
www.nhsdirect.nhs.uk: information and advice on the effects of smoking and giving up and on other health issues
www.quitsmoking.uk.com: help and advice to give up
www.dh.gov.uk

Specific documents:

Local Authority Smoking Policies in England and Wales, ASH
Smoking in the Workplace, ASH, November 2002
Smoke Screen, TUC sponsored study, April 2003
Second Hand Smoke Kills, Chief Medical Officer's Annual Report, 2002
Achieving Smoke Freedom Tool Kit: a guide for local decision makers, CIEH/ASH
Effect of Smoke-free Workplaces on Smoking Behaviour: Fichtenberg CM, Glantz SA, systematic review. *BMJ* 2002;325:188.

Legislation:

The Health and Safety at Work Act 1974
The Workplace (Health, Safety and Welfare) Regulations 1992
Employment Tribunals and the Employment Rights Act 1996
The Human Rights Act 1998
The management of Health and Safety at Work Regulations 1999
The Disability Discrimination Act 1995
The Care Standards Act 2000 (and associated Standards and Regulations)
The Health and Social Care Act 2003
'Smoking Kills' (White Paper), Department of Health 1998
'Choosing Health' (White Paper) Department of Health 2004