

## **SMOKE-FREE POLICY FOR THE COUNCIL OF THE ISLES OF SCILLY**

**Smoking is a major cause of ill health. It is a major contributor to inequalities in health. Around 1,000 premature deaths in Cornwall per year are due to smoking.**

**This policy has been adopted by resolution of the Policy and Resources Committee of the Council of the Isles of Scilly (Minute no 78/07) has come into force as from national No Smoking Day (14<sup>th</sup> March 2007).**

**Smoking will not be allowed in Council buildings or grounds. In addition smoking will not be allowed in vehicles operated by the Council. Staff making domiciliary visits will be supported in requiring clients/customers to ensure their homes are smoke free at the time of their appointment.**

### **Introduction**

The public health white paper, Choosing Health, makes a clear commitment to encouraging smoke free environments in public areas.

Section 2(2) of 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 is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.'*

Several EU directives relating to health and safety in the workplace have come into force since 1 January 1993. These include the Management of Health and Safety at Work Regulations 1999 which, under General Principles of Prevention, include:

- Avoiding risks
- Combating risks at source
- Replacing the dangerous by the non-dangerous or the less dangerous
- Giving collective protective measures priority over individual protective measures.

Secondhand smoke – breathing other people's tobacco smoke – has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions. The employer acknowledges that breathing other people's smoke is both a public health hazard and a welfare issue. Therefore, the following Policy has been adopted concerning smoking at all Council of the Isles of Scilly premises.

### **General principles and scope**

The aim of this Policy is to:

- Protect and improve the health of staff
- Protect and improve the health of visitors and contractors
- Protect both smokers and non-smokers from the danger to their health of exposure to secondhand smoke

- Set an example to other employers and workforces, particularly in health-related locations by arranging for Council controlled buildings (properties and vehicles) to be 'smokefree' and by requiring staff not to smoke while on duty.

This Policy will form part of the Council's Health and Safety Policy.

### **Work areas**

This Policy will apply to all staff, visitors, contractors and other persons, who enter the Council owned or rented buildings (or grounds) for any purpose whatsoever. The Policy extends to cars leased from the Council during business usage, it does not apply to the interior of cars owned privately and not being used for business purposes or during business hours.

Staff making domiciliary visits will be supported in requiring customers/clients to ensure their homes are smoke free at the time of their appointment.

### **Introduction and implementation of the Policy**

The Policy was agreed by the Council's Policy & Resources Committee at its meeting on 1<sup>st</sup> February 2007. Its formal adoption will commence on No Smoking Day 2007. From that date, staff will not be permitted to smoke while they are on duty, (irrespective of their location), except in accordance with the previous paragraph.

Staff who do not comply with the Policy will be interviewed by their line manager and referred to occupational health, for support and advice as appropriate. Should an individual or group of individuals continue to infringe this Policy the manager may invoke disciplinary procedures as a means of encouraging adherence to the Policy.

Responsibility for implementing this Policy rests with the Chief Executive. Day-to-day responsibility for implementation lies with directors and managers.

Those who wish to stop smoking will be helped to access individual or group support and nicotine replacement therapies as appropriate. Further support is available from the Stop Smoking Service.

To ensure that everyone entering Council sites understands that smoking is not allowed in the buildings and grounds, clear signs will be on display. Staff will be reminded of how the Policy relates to their use of vehicles. Smoking at entrances and exits by staff, contractors or visitors will not be tolerated.

Tenders and contracts with the Council will stipulate adherence to this Policy as a contractual condition. Existing contracts will be modified as soon as possible. Existing smokers will be allowed to access the support of stop-smoking specialists and counselling during working hours as appropriate.

Job advertisements will include reference to the Smoke-Free Policy and indicate that the adherence will be contractual.

Training will be offered to staff in advising visitors etc of the Policy, as requested.

### **Secondhand smoke**

This Policy recognises that secondhand smoke adversely affects the health of all employees. It is not concerned with whether anyone smokes but with where they smoke and the effect this has on visitors, smoking and non-smoking colleagues and

other members of the wider community. It is also concerned with the presence of preventable carcinogenic substances in the locality of Council sites.

The Council sincerely encourages its employees to refrain from smoking outside the times and circumstances set out in this Policy, both in their own interests and as representatives of a major public body, whose purpose is to improve health. However, this falls outside the scope of this Policy.

## **GUIDANCE TO STAFF**

The Smoke-free Policy applies to staff, elected members, residents, visitors and contractors. The following guidance points are intended to give all staff key phrases and references to enable them to implement the Policy effectively.

### **General**

1. Smoking is the biggest single cause of ill health and premature death in the country. The Council is doing everything it can, in partnership with the health community, to promote the no smoking message.
2. As an employer, the Council has a duty to its staff and customers/clients to protect them from the health hazard that smoking represents.

### **Staff**

1. The Policy applies to all staff, without exception. Staff will be consulted with and the policy will then be endorsed by Full Council.
2. Staff cannot smoke in buildings (or grounds) owned by the Council, or in hired/leased cars when they are on Council duty.
3. Staff who are finding it difficult to adjust to the Policy should be a) invited to discuss the issues with their manager and b) referred to occupational health for support and, if they wish, referral to medications.
4. After No Smoking Day 2007 staff will be expected to comply with the Policy. Failure to do so will result in disciplinary procedures. Managers will need to establish their own monitoring arrangements to see that the Policy is being followed. Evaluation will be carried out during, and at the end of, the first six months.
5. If individual staff challenge their manager on their right to smoke, the manager should refer to these points:
  - This is a Council Policy relating to health and safety and is based on the same principles as policies relating to dangerous machinery, toxic substances etc
  - An employee cannot challenge the employer's right to introduce healthier and safer working practices
  - The Policy is concerned with where someone smokes. A smoker may use their break to go off-site.

If staff need to go 'off-site' to smoke during their break, the following applies:

- Under the Working Time Directive, where staff work for longer than six hours they are entitled to a break of a minimum of 20 minutes.

- In most health and social care workplaces, breaks are taken in a manner consistent with maintaining minimum staffing levels. Managers need to plan effectively for staff who leave the premises on breaks for any reason. In relation to smoking 'off-site', managers will need to liaise with the human resources adviser to assess the impact on staffing levels and the expected/required availability of staff.
6. Under no circumstances should a confrontational attitude be adopted or allowed to develop. All staff who experience difficulties with the application of the Policy should seek support from their line manager in the first instance.

### **Visitors and contractors**

1. This Policy applies to all visitors and contractors, irrespective of their circumstances.
2. Visitors who are distressed for any reason should be comforted, but the Policy still stands.
3. Contractors who contravene the Policy should be reported to the person responsible for monitoring the conduct of contractors on site.
4. Visitors and Contractors may wish for advice on stopping smoking and should be given the local NHS Cornwall Stop Smoking Service telephone number which is 01209 215666.
5. Nicotine replacement therapy (NRT) is available on prescription and over the counter.