Smoking at Work
A workplace smoking policy for Waltham Forest Council
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Introduction
1. Passive smoking or breathing other people’s tobacco smoke has now been shown to cause lung cancer and heart disease in non-smokers. Equally, smokers themselves suffer from these illnesses and conditions, which in turn gives rise to sickness absence. This policy will be effective from 7 March 2006 (National No Smoking Day).

Legal Context
2. As an employer the Council has a duty in common law to take reasonable care to protect the health of its employees. The Council acknowledges that breathing other people’s tobacco smoke is both a public health hazard and an employee welfare issue. The Government also recognise this and intend to bring in the Health Act 2006 to prohibit smoking in public places (including work places) shortly.

3. The Health and Safety at Work Act (1974) places a duty on employers to provide a working environment for employees that is so far as is reasonably practicable:

   “... safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.”

4. Therefore, in order to discharge its current and future legal obligations and to demonstrate that it is a caring employer and service provider, Waltham Forest Council has adopted the following policy concerning smoking at work.

Main aims of the policy
5. By introducing a policy on Smoking at Work, Waltham Forest Council aims to:
   - contribute to the Council’s vision for 2012 and to government strategies for a healthier nation;
   - create a healthier workforce and reduce sickness absence;
   - create a healthier and more pleasant environment for employees and service users by eliminating tobacco smoke from all Council premises;
   - comply with its legal duties to ensure the health, safety and welfare of its employees; and
   - comply with its legal duties to ensure public health.
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General principles
6. This policy retains many of the Council’s previously stated aims on tobacco. It also seeks to strengthen those aims relating to smoking at work and the impact on the health of employees in the borough.

7. The Council will:
   - NOT sell or allow the sale of tobacco on its premises;
   - NOT accept tobacco advertising on its hoardings or billboards; and
   - NOT accept sponsorship from the Tobacco industry; and
   - Attach conditions to the hire of its halls and other facilities to ensure that these remain smoke-free.

8. As an enforcing authority, the Council will:
   - Stop the illegal sale of tobacco to children under 16 years of age;
   - Ensure that the legislation requiring smoke-free public places and workplaces is enforced throughout the borough.

9. As an exemplar employer and in order to improve the health of not only Council employees but all people employed in the borough, the Council will:
   - Model good practice through its policy;
   - Promote the policy to employers in the borough; and
   - Offer advice on implementing similar policies.

10. This smoking policy seeks to guarantee all Council employees the right to work in air free from tobacco smoke whilst taking into account the needs of those who do smoke.

11. The Council expects all employees to refrain from smoking during work time. Work time means any time an employee is being paid by the Council as part of their working week, except for authorised absence. Examples of work time include:
   - Any time recorded on an employee’s flexi-record or other time sheet as time spent carrying out their duties.
   - When engaged in Council activities including when representing the Council at events, etc. whether within or outside the borough;
   - When working from home, during a visit from another member of staff.

12. The Council expects all employees, Members and visitors to refrain from smoking:
   - In all Council premises and associated grounds including car parks within 10 metres of any building or workplace occupied by employees; and
   - In all Council vehicles.
13. Risk assessments will have to be made and special arrangements implemented where necessary, in order to protect the employee’s health in workplaces which are:

- Within a service user’s home; or
- Residential homes, whether Council-run or not; or
- Places where the Council has no control and the employee may be subject to second hand smoke.

14. Employees should not absent themselves from their place of work during work time for the purposes of smoking. Council employees who wish to smoke should do so in their own time.

15. Managers should not condone employees taking time away from work in order to smoke.

Visitors and temporary employees

16. This policy applies equally to all visitors and temporary employees, including agency staff, consultants etc. whether employed by the Council or visiting Council premises.

17. The following arrangements should be made for assisting in compliance with this policy and for informing staff, visitors and temporary employees:

- Suitable and sufficient signage should be provided in all Council premises to indicate that all Council sites are no smoking;
- Suitable and sufficient receptacles for extinguishing smoking materials should be provided at the entrances of all premises;
- The person inviting the visitor or engaging the temporary employees should inform them of the policy at the outset via the invitation letter or email.
- The receptionist or person greeting the visitor or temporary employee should inform them of the policy upon arrival at the premises.

Enforcement of the policy

18. The responsibility for enforcement of this policy lies with:

- Line Managers for breaches related to smoking during work time; and with
- Line Managers and Facilities Managers for breaches related to smoking on Council premises.

19. Breaches of this policy by staff will be subject to the normal disciplinary procedures for employees.
20. Both staff and managers should challenge breaches of the policy by non-employees. Non-employees who breach the Smoking Policy and refuse to comply should be politely asked to leave the premises concerned.

21. Breaches of the policy by Members should be reported to the Chief Executive.

22. The effective date of this policy is No Smoking Day – 7th March 2007.

Help for those who smoke

23. This policy recognises that second-hand smoke adversely affects the health of all employees. The Council would wish to encourage employees to give up smoking and seeks to influence this by controlling when and where they smoke thereby limiting the effects that smoking has on non-smoking colleagues and the public. However, it is recognised that the changes may impact on the working lives of employees that smoke.

24. In an effort to assist individual employees in adjusting to the changes, the following help will be provided:
   - Free Smoking Cessation Support;
   - Occupational Health advice; and
   - Counselling.

25. Time off for attendance\(^1\) at Smoking Cessation Groups will be allowed for six months after the effective date\(^2\). Arrangements for attendance should be agreed with line managers.

26. Telephone counselling for staff who feel anxious or otherwise about the new working arrangements is available 24 hours a day, seven days a week via the Council’s counselling service for staff.

27. Training in Managing Stress will be available for those employees who use smoking as a way to manage stress\(^3\).

28. Support and encouragement should be offered by the colleagues of staff who wish to take this opportunity to try to stop smoking.

\(^1\) Total time off for a course is 2 hours, i.e. 20 minutes per week for 6 weeks. Cessation support sessions will be held on site thereby eliminating travelling time.

\(^2\) After six months staff will need to make their own arrangements to access this service.

\(^3\) It should be noted that the effects of nicotine are to exacerbate the symptoms of stress and not alleviate them.
29. Support arrangements for employees should not interfere with the delivery of Council services.

Policy within schools
30. For schools, this policy recommends that school Governing Bodies and Head Teachers adopt a Smoking Policy that prohibits all smoking in school premises and school grounds.

Recruitment procedures
31. Details of the policy should be included in the recruitment packs associated with job applications.

32. All job applicants should be made aware of the Smoking Policy at the interview stage.

33. On their appointment and at subsequent induction, all new employees and members should be provided with access to a copy of this policy.

Informing employees of the policy
34. The Council will inform employees no less than 90 days in advance of the implementation of the policy. The policy will be published on ForestNet for access by staff. Printed copies will only be available for those staff that do not have access to PCs.

Implementation, monitoring and review
35. The responsibility for implementing this policy rests with all employees and managers. Where necessary guidance will be provided for employees and managers on implementing the policy via the Personnel Framework.

36. The responsibility for monitoring the policy rests with senior managers.

37. A formal review of the policy will be conducted after eighteen months. Trade unions and health and safety representatives will be consulted on the results of the monitoring and review.
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Changes to the policy
38. 90 days notice will be given regarding any changes made to the policy. Trade unions and health and safety representatives will be consulted in good time about any proposed changes.

Consultation
39. This policy has been devised in full consultation with Trade Unions and representatives concerned with health and safety in Waltham Forest Council.