

SOUTH DERBYSHIRE DISTRICT COUNCIL
SMOKING POLICY

**Human Resources
May 2005**

Policy

1.0 Introduction

- 1.1 The Council fully recognises and accepts its responsibility to protect the health of employees, visitors and members of the public from the known dangers of smoking and passive smoking.
- 1.2 It has therefore been agreed that a Smoking at Work Policy should be implemented that has the support of Elected Members, employees and their trades union representatives.

2.0 Scope

- 2.1 The policy will apply to all Council employees (including temporary, fixed-term, agency workers and casual staff) and Elected Members, as well as to visitors, contractors, and sub-contractors while on Council premises or in council vehicles.
- 2.2 The only exceptions to this will be licensed premises owned by the Council (see section 6 below).

3.0 Principles

- 3.1 The Council has adopted a policy on smoking that is designed to secure a healthy and safe environment for Elected Members, employees and visitors, as well as eliminating passive smoking from its premises. It is taken forward in the knowledge that medical evidence has continued to reinforce the link between the inhalation of tobacco smoke, either directly or by passive smoking, and serious illness and death.
- 3.2 The Council is required under the Health and Safety at Work Act 1974 to ensure the health and safety of its employees and others at work. It has more specific requirements placed on it under the Workplace (Health, Safety and Welfare) Regulations, 1992 to provide work areas with suitably clean air and to ensure that employees who are non-smokers are protected from the health risks of tobacco smoke in rest areas.
- 3.3 It is the Council's policy not to intrude on the privacy of individuals, particularly in health matters, where their conduct or performance at work is not affected. Nor will the Council discriminate against smokers in recruitment arrangements. However, to facilitate the implementation of the policy from the perspective of both non-smokers and smokers, the Council will arrange some support facilities for smokers who may wish assistance in giving up smoking.

- 3.4 The benefits of operating this policy should include reduced health and safety risks, decreasing absence levels, and an improvement of the view taken of the Council as a responsible employer.

4.0 Procedure

- 4.1 Smoking will not be permitted during normal working hours.
- 4.2 If there are exceptional circumstances that an employee is unable to continue working without having to smoke advice should be sought immediately from Human Resources. It will be expected that the employee will be put in contact with any support that may be made available (see section 5). Within an agreed timescale not exceeding 3 months, the employee should have made the required changes to enable them to comply with the Policy. During this time any breaks taken will be deducted from the hours worked for this day.
- 4.3 The reference to working hours excludes any periods of breaks from work such as lunch or rest periods given in accordance with the Working Time Directive (WTD). This only includes periods employees are not actually working in accordance with the terms of their contract or provisions of the WTD.
- 4.4 Employees and Elected Members are expected to take personal responsibility for observing this policy and should feel able to draw this policy to the attention of colleagues, most particularly visitors to the Council. This will include the display of no-smoking notices and the inclusion of appropriate statements in publicity material, particulars of appointments, invitations to events, external contracts and related material.
- 4.5 All employees should be alert to the need to remind anyone found smoking on Council premises of the policy. Individuals who wish to smoke should be asked to do so outside Council buildings.
- 4.6 All contractors should be made aware of the Policy by the Head of Service responsible for the contract concerned and be instructed to comply with its restrictions and prohibitions.
- 4.7 Where council properties are occupied by more than one employer or where volunteer staff are allowed access to council properties it will be necessary to ensure consistency. Heads of Service responsible for shared sites and/or volunteer staff should ensure all those persons involved are made aware of any agreements and arrangements regarding smoking at work.

Enforcement

- 4.8 The Council will offer support to individuals who seek assistance in giving up the habit of smoking. However, repeated violations of the policy will be dealt with under the Council's disciplinary procedures.

5.0 Support Systems

- 5.1 The Council is committed to providing training and advice to help with the management of smoking-related problems. Cessation support can be provided via the Human Resources Team.
- 5.2 Managers will be given advice via the Human Resources Team in order to assist them in handling any violation of this Policy.

6.0 Definition of premises

- 6.1 The policy applies to all Council premises. This comprises all buildings owned by or leased to the Council and occupied by employees, and other persons. Note it does not include Council houses although employees should not smoke in peoples homes whilst undertaking their duties.
- 6.2 The only exception is premises licensed for the consumption of alcohol where the smoking policy is at the discretion of local management.

7.0 Definition of vehicles

- 7.1 This applies to all vehicles that are owned, leased, rented or used in the delivery of any Council service.
- 7.2 It is recognised that the Council cannot prevent employees from smoking in their own vehicles. However, employees are reminded that the Policy restricts smoking during working time.

8.0 Review of Document

- 8.1 This document may be reviewed at any time in consultation with the appropriate trade unions.