

REPORT TO:	FINANCE & MANAGEMENT COMMITTEE	AGENDA ITEM: 11
DATE OF MEETING:	16th JUNE 2005	CATEGORY: OPEN
REPORT FROM:	DIRECTOR OF CORPORATE SERVICES	EXEMPT PARAGRAPH
MEMBERS' CONTACT POINT:	DAVID CLAMP (EXT 5729)	DOC:
SUBJECT:	NO SMOKING POLICY	REF: pers/reports
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: FM05

1.0 Recommendations

- 1.1 That the No Smoking Policy outlined in appendix A is adopted with immediate effect.
- 1.2 That the Policy is applied to all Council employees and Elected Members as well as visitors, contractor and sub contractors whilst on Council premises or in council vehicles.
- 1.3 That smoking cessation courses be made available to employees subject to demand.

2.0 Purpose of Report

- 2.1 The purpose of this report is to outline a Policy that clarifies the Council's position in relation to smoking at work or on Council premises.

3.0 Detail

- 3.0 The Council has social and legislative responsibilities that have resulted in a practice that prohibits smoking in all Council premises. This has been in place for a number of years although it does appear that no formal document outlining the Policy has been drafted. In addition, the ban on smoking has not been extended to Council vehicles.
- 3.1 The medical evidence of the effects of smoking and passive smoking are well known. Therefore, the extension to include all Council vehicles is seen as a positive and necessary step. It is recognised that with all areas of change it may take some time to become familiar with the Policy. However, as a responsible employer and recognising our commitment to the health and well being of employees it is clear that this step has to be taken. Enforcement of the Policy will be fundamental to its acceptance.

3.2 Background

- 3.3 The Council first addressed the issue of smoking at work back in 1993. A report was taken to Full Council and a ban on smoking in all council premises became effective from 1st November 1993. A clause in all employment contracts has been included from this date. It is noted that a room was previously provided for smokers but this has now been withdrawn.
- 3.4 It was also provided that employees could have smoking breaks during the day but following representations by employees and UNISON, this was removed. It is understood that the current practice is that no smoking is allowed during the normal working day.

4.0 Consultation

- 4.1 The No Smoking Policy has been considered and accepted by the all the Trades Unions at the last meeting of the Joint Negotiating Group. This Group requested that the matter be brought to this Committee for adoption.
- 4.2 Along with the considering the detail the Group also considered a number of key issues regarding its coverage and implementation. A summary of these are set out below for information. It is proposed to use this approach to implement the Policy throughout the Council

4.3 Key issues

4.4 Do we need a Policy?

- 4.5 UNISON requested a copy of the Smoking Policy and it appears that other than a Committee resolution and a series of correspondence, nothing formal was produced. This can lead to inconsistency and difficulties trying to enforce conditions that are not clear.

4.6 Smoking breaks or not?

- 4.7 This is an emotive issue. There maybe employees who genuinely cannot work for a continued period upto a normal break i.e. lunch. However, permitting breaks then raises the issue of other employees feeling that they are treated differently to their colleagues.
- 4.8 Whilst advocating a consistent line of permitting no breaks at all during working time, some short term compromise may be appropriate for employees who cannot work continually without smoking. If this approach is taken it will be for a specified time only – not exceeding two months and any time taken will be deducted from the normal working day. It will also be a requirement that the employee takes positive action to comply with the Policy – for example attending smoking cessation courses

4.9 Smoking in Council vehicles?

- 4.10 There can be no rational argument put forward to allow this practice to continue. The dangers of passive smoking in a confined space are clear and to allow this to continue puts the Council at risk under Health & Safety as well as employment grounds.

4.11 How do we enforce a ban on smoking when employees are on site?

- 4.12 It has to come down to management and trust. Also this should be extended to employees who work outdoors and to be consistent no smoking should be permitted when they working.

4.13 Is it realistic to expect employees working in open spaces or outdoors not to smoke?

- 4.14 Yes. Management of this will be more difficult but consistency is important. In addition, these workers are more likely to come into contact with members of the public and may create added health problems.

4.15 What action will be taken against employees who continue to smoke at work?

- 4.16 Initially the terms of the Policy and its restrictions will be made known to the employee. If repeated acts of smoking at work is established then this will be viewed as misconduct with formal action then being taken under the Council's Disciplinary Procedure.

4.17 What about working in tenant's homes?

- 4.18 They are still Council owned premises and the policy of No Smoking at Work must be observed.

4.19 How do we prevent Contractors from smoking on Council premises or when undertaking Council work?

- 4.20 The terms of the Policy have to be clearly stated to the Contractor. It will also be expected that this would be complied with during the undertaking of any work. If it is clear that the Council is being put at risk or any members of the community are subject to the dangers of passive smoking, action should be taken through the contract provisions.

4.21 How much support should be provided for those wishing to give up?

- 4.22 It would be appropriate to run Cessation courses for employees when there is sufficient demand. This should take them through an initial programme but then ongoing support should be seen as an individual issue.

4.23 *Is it really any difference to what goes on now?*

- 4.24 Not at the Civic offices although some concern has been raised over employees taking regular breaks during working hours. It will certainly involve a change for employees based at the Depot and other sites. This needs to be carefully managed.

4.25 *Should the Policy take immediate effect?*

- 4.26 As a ban already existed in Council premises this is merely formalising the arrangements in place. It is recommended by ACAS that any new Policy should be phased in to enable smokers to change the working habits. Extending the coverage of the Policy to Council vehicles and during normal working hours may be viewed as 'new' so a short period of tolerance should be permitted. However this would need to be time limited followed by strict enforcement to ensure consistency in approach.

5.0 Financial Implications

- 5.1 There will be no direct costs for adopting this Policy. Materials to publicise the implementation of the Policy will be funded from existing budgets.
- 5.2 Smoking cessation courses are available for no cost to the Council. It will be expected that these course will be held over lunch periods or evenings so employees will not have to request time off work to attend.

6.0 Corporate Implications

- 6.1 Having a consistent approach to smoking at work will provide clarity for all employees, members of the public and any third party that undertakes work for the Council

7.0 Community Implications

- 7.1 The increasing move towards the prevention of smoking in public places should be reflected in the practice adopted by the Council. This will enhance the Council reputation as a good employer and make a visible commitment to addressing the known health issues of smoking and passive smoking.

8.0 Background Papers

- 8.1 Briefing paper submitted to Corporate Management Team