



Hull

Human Resources

*Stepney Primary School*



*A Small School With Great Expectations*

# **Policy On Smoking Guidance For Managers And Employees**

Hull City Council

Human Resources

Implementation Date: 1<sup>st</sup> September 2006

Updated: July 2007

## **POLICY ON SMOKING**

### **GUIDANCE FOR MANAGERS AND EMPLOYEES**

#### **INTRODUCTION**

1. This guidance has been compiled to assist managers and employees with the employment aspects of the Policy on Smoking, which prohibits smoking in the workplace. It should therefore be read in conjunction with that policy.

#### **LEGISLATION**

2. The Health and Safety at Work Act 1974 places a duty on employers to provide and maintain a safe working environment.
3. The 2004 Government White Paper "Choosing Health" gave Local Authorities targets for improving the health of their local communities.
4. Legislation banning smoking in the workplace and public places will be introduced throughout England in 2007. The City Council has decided that it will be proactive in trying to improve the health of the local community by bringing in a total ban in the workplace in advance of this legislation.

#### **BACKGROUND**

5. Smoking is the number one preventable cause of death in the UK. Around 40% of people in Hull smoke, well over the national average of 26%. The Council has a leading role to play in Hull to improve public health, and reduce the preventable death, disability and disease that smoking causes each year in the community.
6. By bringing in a ban we will be setting an example and having a positive influence on the health of our staff. In addition, our employees come from the full cross section of the community so this will have a knock-on effect with their families and friends.

#### **WHAT IS COVERED BY THE POLICY?**

7. From 1<sup>st</sup> September 2006, all City Council employees will not be permitted to smoke in paid working time. Those employees who wish to smoke may do so only in their own time.
8. This applies to Council employees wherever they are employed, regardless of whether the Council owns the premises or land where they are working. "Premises" includes all buildings, entrances to buildings and land adjacent to buildings, grounds and vehicles, owned by or under the control of the Council, either temporarily or otherwise and those which are shared with other organisations but owned by the Council.

9. The policy applies to those who work outdoors and to agency workers, contractors or staff employed by other organisations.
10. The policy applies to visitors and customers.
11. The policy also applies to Elected Members.
12. Smoking breaks will not be permitted and smoking rooms will no longer be available. Managers will need to liaise with those responsible for the buildings in which they work to ensure that smoking rooms are closed down.
13. There are certain exceptions for employees working in residential/care homes. Relevant managers will need to determine the arrangements for such areas.
14. All employees must ensure that their actions do not affect the image of the Council.
15. All Council job adverts will state the Council's policy. Those conducting recruitment interviews should explain the policy to candidates.

#### **ENFORCEMENT- EMPLOYEES**

16. Line managers will be responsible for the promotion and maintenance of the policy by their employees.
17. They should discuss the policy and guidance at Team Briefings, keeping a record to show that they have done so.
18. They may wish to meet employees who are smokers on a one-to-one basis to see how they are coping with the policy and remind them of the support available.
19. Managers who smoke are expected to lead by example and comply fully with the policy.
20. After 1<sup>st</sup> September 2006, smoking at work will become a disciplinary offence. However, it is recognised that many smokers will face difficulty in stopping smoking at work and managers must deal with cases initially sensibly and with sensitivity, with the emphasis being on providing support for employees.
21. Employees will be allowed reasonable paid time off to attend smoking cessation clinics, provided this is arranged with their line manager in advance. Smoking clinics can be accessed via the Hull and East Riding Smoking Helpline on Freephone 0800 9155959.
22. Because all cases will be different, it is not possible to state exactly how individual cases of non - compliance with the policy will proceed. There will however be a need for consistency. Managers must therefore take advice from the Human Resources Employee Relations Team.

23. Initially, any employee not complying with the policy should be asked to discuss this with their line manager. Managers should remind the employee of the new rules introduced by the policy and of the support available. Managers should stress the need for compliance and discuss ways that the employee can comply. Managers should offer employees support through the smoking cessation clinics. If employees need counselling, they should be referred to the Council's independent counselling service. The Trade Unions have supported the introduction of the policy and will be able to support their members if necessary.
24. Managers should explain that further non-compliance could lead to disciplinary action. They should keep a note of any discussions held.
25. If further breaches of the policy occur, managers should discuss the reasons why with the employee, what actions have been tried to comply with the policy, and what other actions could be taken or what further support the manager could offer to the employee. Managers should give the employee every reasonable chance to comply with the policy, but the employee should be again reminded that further non-compliance could lead to disciplinary action. Managers will again need to keep a note of the discussion.
26. Should the employee continue to smoke in contravention of the policy, then the manager will need to instigate the disciplinary procedure. However, the Council does not anticipate that this will be likely. In other workplaces where the same measures have been put in place there is a high level of compliance with no reported need to invoke disciplinary procedures.
27. Should disciplinary action be necessary, the procedure to be followed is the Council's normal disciplinary procedure. This means that, as in all disciplinary cases, there will be a thorough investigation and a full hearing, at which the employee will be able to state their case and can be represented if they wish.
28. The disciplinary sanction given will depend on the individual circumstances of the case. For example, if the employee has fully cooperated with any support programme offered but is still finding it difficult to give up smoking at work, it is likely that they will be dealt with more leniently than someone who is deliberately flouting the policy and is not making any attempt to seek help/comply with the requirements of the policy.
29. The disciplinary procedure normally progresses through a series of warnings. Exactly which warnings are given depends on the circumstances of the case, but an employee can be given verbal, written and final written warnings, and ultimately can be dismissed.
30. However, it is not envisaged that cases will reach this stage, as the emphasis will be on helping and supporting people to either cease smoking altogether or at least whilst they are at work. Other authorities where a smoking ban has been implemented have not had any cases of dismissal.

## **ENFORCEMENT- NON EMPLOYEES, CONTRACTORS ETC**

31. The ban also applies to visitors, contractors and service users.
32. Managers will need to consider how they might best approach such groups of people to gain compliance with the policy.
33. Managers will need to consider how they can support their employees who may be required to visit non-council owned premises where smoking takes place. For example, service users being visited in their own homes by council employees should be asked to refrain from smoking while the employee is present. Managers will need to assess what procedures should be followed if service users continue to smoke.
34. Managers may wish to contact Procurement to include suitable clauses in any contracts which they may be letting.

## **FURTHER ADVICE**

35. For advice on how to deal with non-compliance by employees, managers should contact the Human Resources Employee Relations Team.
36. For advice on operational issues, managers will need to consult their Head of Service.
37. Advice on giving up smoking and details of smoking cessation clinics can be obtained through the Hull and East Riding Stop Smoking Freephone number- 0800 9155959.

## **PERSON RESPONSIBLE WITHIN SCHOOL**

This is a Local Authorities Policy which was adopted at the Full Governing Body Meeting. Mrs M Codd will continue to monitor and update in accordance with the Local Authorities updates.

This policy was last monitored in Autumn 2012 by Mrs M Codd, and no changes were been made by the LA.