



# SOMPTING PARISH COUNCIL

## POLICY ON: Smoking

### **Purpose of the policy**

To establish the way in which the organisation accommodates the need to protect employees from the risks associated with tobacco smoke. The success of the policy depends upon the consideration and co-operation of smokers and non-smokers and all employees and visitors to council premises are expected to respect the provisions outlined in this document.

### **Scope**

This policy applies to all employees, consultants, contractors, customers, members, users and visitors of the Centre.

This review of the policy is part of the Parish Council's continuous review of health and safety standards. The overall objective of the council is to establish a non-smoking norm through its policies and activities and throughout its premises and any public places under its control.

**Distribution of the policy** - Part of the general health and safety policy documentation held by managers; specifically required by line managers responsible for vulnerable employees and anyone responsible for occupational health.

**Use of the policy** - The policy is to be used to establish standards and a commitment to safety in this important area, and therefore, should be used to brief staff, as a reference document and the guideline to judge all relevant activity.

**Monitoring review** - The policy will be regularly reviewed by the Parish Clerk.

## **1. INTRODUCTION**

Smoking at work is a sensitive issue involving the personal habits of some members of the workforce, which can conflict with the health and well-being of others. The rights and needs of all individuals must be taken into account. The council has undertaken the following steps:-

- (a) conducted a proper consultation exercise, taking into account the needs and legitimate concerns of everyone, as far as possible;
- (b) allowed sufficient time to develop a suitable policy and to give staff notice of its introduction;
- (c) provided guidance to ensure that the policy is equitably enforced and

effectively monitored.

(d) Taken cognisance of the new legislation.

## **2. LEGAL OBLIGATIONS**

The Parish Council is required by the Health and Safety at Work Act 1974 to ensure that employees and others are not put at risk. Section 2(2)(e) requires that, so far as is reasonable practicable, the working environment is safe, without risks to health and adequate as regards facilities and arrangements for the welfare of employees. In addition, under s.7 employees must take reasonable care of their own health, safety and welfare, as well as that of others, and must co-operate with their employer's efforts to discharge the required duties. These obligations are reinforced by the common law duty of care.

The Management of Health and Safety at Work Regulations 1999 require the Council to make an assessment of all risks to health and safety, to identify any group of employees especially at risk and to take preventative measures. In view of the evidence of the adverse health effects of passive smoking, and that passive smoking could pose a risk, tobacco smoke has been included in that assessment.

Smoking will no longer be allowed in any workplace or public place which is 'wholly or substantially enclosed'. In simple terms this means a public place, including workplace, which has a roof and walls on at least 50% of its perimeter.

Pregnant women must be provided with suitable rest facilities, which should be smoke-free.

A wide range of specific regulations also requires that smoking be banned or restricted for safety reasons (e.g. the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972) or as a matter of hygiene (e.g. the Food Safety (General Food Hygiene) Regulations 1995).

The Health and Safety Executive recommends that all employers should have a specific written policy on smoking in the workplace, which gives priority to the needs of non-smokers who do not wish to breathe tobacco smoke. There is no legal right to smoke in the workplace.

## **3. SAFE SYSTEMS OF WORK**

In order to preserve the health of non-smokers (and maintain safety in the workplace) the following standards must be observed:

1. Smoking is not permitted at the center or its grounds unless at the designated smoking areas.
2. Inform any visitors, contractors, temporary staff or clients you may deal with of the Council's smoking policy.

## **SMOKING POLICY**

As part of its continuous review of health and safety matters, the council has considered the current evidence of the health risks associated with passive smoking, as well as the discomfort suffered by non-smokers exposed to tobacco smoke.

The aim of the smoking policy is to guarantee the right of non-smokers to breathe smoke-free air at work. The policy is not concerned with whether people smoke, but with where they smoke whilst at work.

Any concerns employees may have regarding smoking at work should be reported immediately to a manager so that appropriate action can be taken if necessary.

### **Arrangements for ensuring the Health and Safety of Workers**

Smoking is prohibited throughout the entire centre with no exceptions. There will be designated smoking areas.

### **Support for Smokers**

It is recognised that some smokers will need to adjust to this policy and may welcome some support. If you would like further information or advice about coping with the policy, or would like to use this opportunity to give up smoking, please contact the Parish Clerk.

### **New Employees**

All appointments made after the implementation date of this policy will include reference to the fact that smoking is not permitted whilst at work.

### **Responsibility for Policy**

All those persons referred to within the scope of this policy are required to adhere to its terms and conditions. All employees must understand that this policy is also incorporated into their contracts of employment with effect from the date of its formal adoption by the Council.

Individual managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with the Parish Clerk prior to any action being taken.

The Parish Clerk has the responsibility for ensuring the maintenance, regular review and updating of this policy.

### **Breach of Policy**

This smoking policy will form part of the Council's health and safety policy. Any breaches of the policy will be dealt with under the normal disciplinary procedure.

### **Visitors**

All visitors, temporary staff, contractors and clients will be expected to abide by the terms of the smoking policy. Appropriate signs will be displayed at all entrances to the premises and employees should tactfully remind visitors of the policy, if necessary. This is in line with the Code of Practice on Smoking in Public Places issued by the Department of Health.

Any attempts to enforce the policy with members of the public, for example, will however be at the discretion of staff present, taking account of their assessment of their own personal safety.