

Guidance on Managing Smoking at Work

These guidance notes should be read in conjunction with the policy on Managing Smoking at Work

1 Introduction

The Highland Council has introduced a revised smoking policy which will operate from 1st January 2006. The policy is entitled “Managing Smoking at Work” and incorporates the following major changes from the original smoking policy:-

- a. A complete ban on smoking in enclosed Council premises and vehicles;
- b. Smoking rooms will no longer be available;
- c. There will be no smoking breaks as smoking will only be permitted outwith contractual working hours;
- d. Employees will not be permitted to smoke at entrance doorways, windows and approaches to Council premises;
- e. Signage will be provided at entrances to, and throughout Council premises indicating that smoking is not permitted;
- f. There will be an increased emphasis on smoking cessation support.

There was a commitment to an eventual total ban on smoking in Council premises in the original smoking policy and the proposed legislation which will ban smoking in enclosed public places in March 2006 means that such a ban will now be compulsory.

The following guidance notes have been developed to assist with implementation of various aspects of the policy and clarify some of the issues raised during the consultation process.

2 Definitions

Some of the terms used in the policy may require further clarification and the following list of definitions should be referred to:-

- a. “Council Premises” means any premises or parts of premises under the management control of The Highland Council;
- b. “Wholly or substantially enclosed” applies to a workplace or public place if it has a ceiling and, except for doors, windows and passageways is wholly enclosed whether permanently or temporarily; or if it has an opening which is less than half of the area of its walls;
- c. “Contractual working hours” means the hours of work relating to a post as stated in the contract of employment

3 Scope of the Policy

The application of a ban on smoking in all wholly or substantially enclosed Council premises will be a requirement of Regulations which come into force on 26th March 2006. This requirement will therefore apply to all employees, visitors, contractors and members of the public using the premises. This will mean that smoking rooms in Council premises will no longer be permitted.

In addition, employees will not be able to smoke:-

- (a) during contractual working hours. This will mean that smoking breaks will not be permitted. Working time regulations require that an employee is entitled to at least a 20 minute break during a working shift of 6 hours or more. A contract of employment should stipulate the number of hours that a person is contracted to work and give details of lunch breaks etc. For example an employee may be contracted to work from 9am to 5pm with a 1 hour lunch break. In these circumstances the employee would be able to smoke during the lunch break, subject to the other restrictions relating to premises and vehicles etc. Employees on flexitime would not be able to smoke during core time i.e. 10am to 12noon and 2pm to 4pm. At times between 8am and 10am and 4pm and 6pm an employee would be required to clock out for a smoke break, again subject to the other policy restrictions.
- (b) in Council vehicles. The new regulations require that vehicles which one or more persons use for work must be subject to the smoking ban. The ban will also apply to all public transportation vehicles.
- (c) in privately owned vehicles whilst carrying passengers on Council business. The ban will therefore only apply when a private vehicle is being used for work purposes.
- (d) at doorways, windows, entrances to and approaches to Council buildings. This restriction is to prevent groups of employees smoking at doorways or approaches to buildings causing the public or other employees to walk through a cloud of smoke to access a building. In all cases, employees who smoke should ensure that they dispose of cigarette ends in waste bins to avoid accumulations of litter.

4 Display of No-smoking Notices

The Director of Property and Architectural Services will be responsible for ensuring that appropriate signage is provided in all Council premises to ensure compliance with the legislative requirements. This will require notices of a prescribed size and content to be displayed at the entrance to and in other locations throughout Council premises. At least one of the signs must display the name of the person to whom a complaint may be made by any person who observes another person smoking in the no-smoking premises in question and state that a complaint may be made.

No-smoking notices will be displayed in all Council vehicles. The notices must comply with the specification contained in Reg. 2 of the Prohibition of Smoking in Certain Premises (Scotland) Regs. 2006.

5 Exceptions

The new Regulations will allow service users to smoke in “designated rooms” in **adult care homes**. This exemption will not apply to Highland Council **employees** however. The term “designated room” means a room which:-

- (a) has been designated by the person having the management or control of the no-smoking premises in question as being a room in which smoking is permitted;
- (b) has a ceiling and except for doors and windows, is completely enclosed on all sides by solid floor-to-ceiling walls;
- (c) has a ventilation system that does not ventilate into any other part of the no-smoking premises in question (except any other designated rooms); and
- (d) is clearly marked as a room in which smoking is permitted.

Residents in adult care homes and their visitors will therefore be permitted to smoke in designated rooms. In residential premises with **Day Care** facilities, it is considered acceptable for day care attendees to smoke in the residents designated smoking rooms. Employees **will not** be permitted to smoke in such rooms. It is recognised that employees may be required to work in designated smoking areas and the following section of the guidance outlines the arrangements for controlling/reducing exposure to environmental tobacco smoke.

The regulations will not apply to **domestic premises**; therefore employees who visit people in their homes may still be exposed to environmental tobacco smoke and the following section of guidance also deals with risk reduction in such circumstances.

6 Risk reduction

In all cases where employees are exposed or could be exposed to environmental tobacco smoke, a risk assessment must be undertaken to determine:-

- a. the extent of exposure;
- b. the likely risks to health;
- c. whether additional controls are necessary to reduce or eliminate exposure.

Services will therefore be required to determine the range of posts that may be exposed to environmental tobacco smoke and ensure that suitable and sufficient risk assessments are carried out. The following guidance offers suggested control measures which may assist with this process:-

(a) Residential Care Homes

Designated smoking rooms should be provided with mechanical ventilation systems capable of delivering fresh air at a rate of 16 litres per second per person. This should be up to 25 litres per second per person where heavy

smoking is experienced. This guidance is taken from the recommendations of the Chartered Institute of Building Services Engineers (CIBSE)

Employees should not be required to work for long periods in designated smoking rooms. Arrangements should be made to ensure that supervision can be maintained from outside the smoking room for example through a glazed panel in an adjacent room or corridor. Cleaning of the room should only take place after the smokers have left the room and the ventilation system has had sufficient running time to remove the smoke. The smell of smoke from furnishings etc. may still be present but does not present a risk to health.

Where possible employee shifts should be rotated to ensure that the care of service users in smoking rooms does not fall to one individual.

Employees should be involved in the risk assessment process and encouraged to help formulate practical control measures.

In all cases where employees are exposed to environmental tobacco smoke they should be offered the opportunity to discuss health concerns with the Council's occupational health service provider. Regular health checks can be arranged for employees who are exposed to environmental tobacco smoke at work.

(b) Home Care and Other Regular Home Visits

Home Carers and other staff who visit people in their homes on a programmed repeated basis should be provided with a short questionnaire to determine their individual exposure to environmental tobacco smoke whilst visiting the homes of service users. See Appendix.

By using this simple form of questionnaire it is possible to determine the extent of exposure for these types of home visits. It may well be that in many instances exposure to environmental tobacco smoke either does not occur or does not present a problem. If a problem is identified then appropriate controls should be discussed with the employee concerned. Examples of controls may include organising work patterns to avoid rooms in which smoking is taking place or a visit or polite letter to the service user requesting that they refrain from smoking during home care visits. In any case where an employee indicates health concerns associated with exposure to environmental tobacco smoke (the last question on the list) then they should be offered the opportunity to discuss those concerns with the Council's occupational health service provider.

The need for new or revised risk assessments will arise when new home carers are appointed or where there is a change of service user. Regular health checks can be arranged for employees who are exposed to environmental tobacco smoke at work.

(c) Other Home visits

It is recognised that employees from several Council Services visit people in their homes during the course of their work. The frequency and extent of exposure to environmental tobacco smoke in such circumstances is impossible to determine. Services should therefore determine the number of employees who regularly visit people in their home during the course of their work and ask whether they have concerns about exposure to environmental tobacco smoke as a result. Where concerns are raised, employees should be offered support and guidance by their line manager and be consulted on appropriate controls which they consider would prove effective in reducing exposure. Again a polite request to the occupier to refrain from smoking may be all that is required but it is recognised that this may not always be appropriate dependant on the nature of the visit. Other options may be to hold conversations outdoors or restrict the time spent inside the house. Where concerns are raised about exposure to environmental tobacco smoke, the employee should be offered the opportunity to discuss the issue with the Council's occupational health service provider.

7 Counselling and Assistance

The new policy includes a commitment to increased support for elected members and employees who wish to give up smoking. Information will be distributed outlining the range of cessation support available together with indicative costs. The Council will offer some financial assistance to those employees who wish to give up smoking and further guidance on this aspect of the policy is available.

If the additional support for smoking cessation offered through the policy is successful then it would have a major impact on health in the Highlands. The uptake and success of smoking cessation support will be monitored.

8 Implementation and Review

Service Directors will be responsible for implementation of the policy and for monitoring its effectiveness, in consultation with the recognised trade unions.

All staff will have a responsibility to bring the policy to the attention of anyone who is smoking on Council premises.

Staff should report a breach of the policy by a non-employee to their line manager. The line manager will then request that the person observe the Council policy and leave the premises if they wish to continue to smoke.

Reference to the policy on Managing Smoking at Work will be made during recruitment interviews and will be issued with the contract of employment.

The policy will be subject to a formal review on an annual basis

9 Discipline and Grievance

If a manager is aware of an employee ignoring the policy then the matter should be discussed with the employee and smoking cessation offered. If an employee continues to ignore the policy then such conduct will be pursued under the Council's Disciplinary Procedures

The Council's Grievance Procedure is available for staff to pursue individual complaints relating to other Council employees who are not complying with the terms of the policy.

APPENDIX

QUESTIONNAIRE FOR HOME CARERS/PROGRAMMED VISITS

The following questions would help determine the level of risk and the need (if any) for additional control measures:

- a. Do any of the service users you provide home care for smoke? ***YES/NO***

If the answer is no, do not complete the remaining questions

- b. If so, do they smoke while you are in the house? ***YES/NO***
- c. If yes do they smoke while you are in the same room? ***YES/NO***
- d. If yes do you try to arrange your work to avoid exposure to the smoke
YES/NO
- e. On an average working day how long, in minutes, do you estimate that you are exposed to tobacco smoke while in service users homes?
- f. Are you concerned about your exposure to tobacco smoke at work?