

# **WATFORD BOROUGH COUNCIL**

## **NO SMOKING POLICY**

### **1. INTRODUCTION**

Watford Borough Council recognises that smoking represents the largest preventable cause of death and ill health in Britain and is committed to working in partnership with local groups and health agencies to improve the health of its staff and local residents by actively promoting no smoking initiatives.

Watford Borough Council understands that Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to:

“...provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work”

The Council recognises the right of adults to smoke outside of work hours, but equally reserves the right to prohibit employees from smoking whilst on duty.

### **2. BOUNDARIES OF THE POLICY**

From 1 January 2007 there will be no smoking in any buildings (including immediate grounds), Council vehicles, owned or used by the Council. No Smoking is permitted in any vehicle being driven on Council business. For the purpose of this policy grounds include all outside areas of Council premises within the premises boundary with the exception of public footpaths and parks.

This policy applies to all employees, visitors, elected members, contractors, volunteers and other person(s) who access any Watford Borough Council site or enter any building owned, or used by the Council for any purpose.

Staff are not permitted to smoke when their Watford Borough Council identity badges or council uniform are visible at any time.

The success of this policy is dependent on the full support of managers and all employees to ensure that it is consistently applied.

### **3. IMPLEMENTATION**

The Council's No Smoking Policy will be notified to employees by publishing and distributing copies of the policy.

Reference to Watford Borough Council no smoking policy will be included in recruitment material and incorporated into the terms of appointment letter.

Appropriate reference will be made to the no smoking policy in the induction programme for new employees and relevant Health and Safety Training.

The requirements of this policy will also be brought to the attention of all contractors who provide services to Watford Borough Council.

#### **4. INTRODUCTION**

In taking the decision to implement this policy Watford Borough Council is carrying out its duty of care as an employer and complying with current health and safety legislation.

- Health Bill 2007 introduces regulations to provide smoke free workplaces.
- Health and Safety at work act 1974 Section 2(2) (e) to provide a working environment that is, as far as possible, safe and without risk to health.
- European Union Directives
- Management of Health and Safety at Work Regulations 1992, as amended in 1994 to implement the Pregnant Workers Directive.
- Workplace (Health, Safety and Welfare) Regulations 1992, with their Approved Code of Practice.

As well as its duty to protect the health of its employees, customers, volunteer's contractors and visitors, the Watford Borough Council also has a duty to safeguard its property. Therefore this policy is also intended to minimise the risk of fire caused by employees or visitors smoking in unauthorised areas.

#### **5. AIMS AND OBJECTIVES**

##### **Aim**

To protect all employees of Watford Borough Council, visitors, volunteers, contractors and members of the general public who access any site or enter any establishments, enclosed space owned by Watford Borough Council for any undertaking whatsoever, from exposure to second hand smoke.

##### **Objectives**

- Be an exemplary employer, as well as an exemplary public organisation, in protecting people from the health risks of passive smoking.

- Encourage a healthier workforce that recognises the benefits of a non smoking environment.
- Ensure legal compliance.
- Ensure that all employees and visitors including contractors clearly understand their obligations with regard to this policy

## **6. RESPONSIBILITIES**

### **Managers' responsibilities:**

- 6.1 Managers are to ensure that all employees in their area of responsibility are made aware of the Watford Borough Council No Smoking Policy and that they do not smoke when on duty.
- 6.2 Ensure that all visitors, contractors etc that enter their area of responsibility are aware of the Watford Borough Council No Smoking Policy.
- 6.3 It is recognised that there will be occasions when staff will have difficulties in adhering to the policy. Managers are to ensure that any employee in their area of responsibility, who smokes and wishes to stop, receives appropriate advice and support on smoking cessation (referral to NHS Stop Smoking Service see Section 7 on page 4).
- 6.4 Decide where there are extremely distressing circumstances, if a person may be given temporary exemption to the written policy and agree the necessary arrangements.
- 6.5 The procedure to be followed if an employee does not comply with the policy is that the requirements of the policy should be reiterated and appropriate advice and support offered. No disciplinary action will be taken if an employee demonstrates that they are actively participating in a support programme, although it is still expected that they will comply with the no smoking at work policy. Any employee experiencing difficulty should seek help by contacting HR as soon as possible. In cases where an employee persistently does not adhere to the policy on smoking, or where there actions are considered to put people at risk, then the disciplinary procedure will be invoked.
- 6.6 Employees appointed by Watford Borough Council after 2 January 2007 will be informed, prior to appointment, of the Council's No Smoking Policy and will be expected to adhere to the policy from day one. However they will also be able to receive support and advice from the NHS Stop Smoking Service.
- 6.7 Managers are required to reinforce the message that the Council is smoke free and enforces a no smoking policy within its buildings and grounds where appropriate in correspondence, publicity material and web site. Adequate signage will also be provided.

### **Employee responsibilities:**

6.8 All employees are required to be familiar with this policy in order to contribute to its application. All employees of Watford Borough Council are to politely remind visitors of the Watford Borough Council no smoking policy, if in their opinion they consider they are breaching the policy.

6.9 All employees, visitor's volunteers and contractors are requested to respect our Council neighbours and to avoid smoking on the boundaries and in view of the public.

6.10 Employees must not smoke whilst on duty or otherwise at work away from Council premises.

### **Exemptions**

Watford Borough Council recognises that in sheltered accommodation tenants have a right to smoke in their accommodation but that this policy will apply to the common and office areas.

Premises leased from Watford Borough Council for the exclusive occupation of other organisations and premises used as residential accommodation are also exemptions agreed by Watford Borough Council. Unless the occupiers are contractors or agents working on behalf of or delivering services for the Council.

Employees are allowed to smoke during their official breaks, but not within the boundaries of council premises or in council vehicles.

## **7. WATFORD BOROUGH COUNCIL STOP SMOKING SUPPORT SERVICE**

Any employee of Watford Borough Council that wishes to stop smoking permanently or is experiencing difficulties in stopping smoking, is encouraged to contact the HR Department. Watford Borough Council is working in partnership with the Hertfordshire Stop Smoking Service a free NHS Service offering workplace clinics on a one to one or group basis for those who want to quit smoking. Each programme is tailored to meet the needs of individuals and is confidential. Managers will be encouraged to meet reasonable requests from employees who wish to attend the workplace cessation programmes.

## **8. CONTROLS**

8.1 Tobacco sales are not permitted on any Watford Borough Council establishments.

8.2 Advertising or promotion of tobacco products or companies is not permitted on any Watford Borough Council establishment or in any of its publications.

- 8.3 All main entrances to Watford Borough Council sites and buildings are to be clearly signed to indicate that smoking is prohibited.
- 8.4 All Watford Borough Council vehicles are to display a no smoking sign within the vehicle.
- 8.5 Watford Borough Council No Smoking Policy will be incorporated into all Management contracts for Watford Borough Council premises as contracts are renewed or by negotiation with existing contractors if agreement can be reached.

#### **MONITORING AND EVALUATION**

Responsibility for monitoring and enforcing the No Smoking Policy rests with line managers.

January 2007

**This policy will take effect from 2 January 2007 and be reviewed after two years from its adoption.**