

REPORT OF THE HUMAN RESOURCES MANAGER

GENERAL PURPOSES COMMITTEE – 28 JUNE 2007

SMOKE-FREE WORKPLACE POLICY

Recommendation

<i>To adopt the revised Smoke-Free Workplace policy.</i>
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Contact Officer: Amanda Nicholls, extension 2023.

Reasons why a decision is required

1. The introduction of the ban on smoking in all enclosed or substantially enclosed work and public places with effect from the 1st July 2007.

Options available to the Council

2. (1) To not change the current Smoke-Free Workplace Policy is not an option as our scheme currently permits smoking in a shelter that would be classified as substantially enclosed under the new regulations.
(2) To revise the current policy in line with the Smoke-Free legislation.

Information to be considered in taking the decision

3. The legislation coming into effect on the 1st July 2007 requires smoke free environments in all workplaces. The legislation applies to enclosed or 'substantially enclosed' workplaces.
4. Dover District Council's Environmental Health Section are responsible for enforcing the new legislation within the local community (which includes Dover District Council). It is therefore important that, as an employer, Dover District Council set an example to other local employers by 'practising what we preach' in complying with the legislation.
5. The term 'substantially enclosed' applies to structures with a ceiling or roof and openings in the walls which are less than half of the perimeter of the walls. This is known as the 50% rule and under this rule the current smoking shelter provided by Dover District Council at the Whitfield site would be considered substantially enclosed and therefore non compliant.
6. The current smoking shelter can be adapted to become compliant.
7. The legislation requires all company or work vehicles used by more than one person to be smoke free. It is recognised that tobacco smoke is absorbed into soft furnishings and can continue to release particles hazardous to health for weeks after a cigarette is stubbed out. The legislation does not extend to vehicles, including rental or leased vehicles, used primarily for private purposes.

8. Private dwellings and residential properties are exempt from the legislation and therefore employees working at home will not be required to comply with the smoke-free workplace policy unless attending the Council offices.
9. Some Council Officers will be at risk of the harmful effects of second hand smoke whilst on home or site visits to customers. The legislation requires that employees are not required to be subject to this risk and may therefore respectfully request that their customers do not smoke. If customers fail to comply with these requests then officers may terminate the visit.

The Scheme

10. It is proposed that Dover District Council allows smoking in one designated area at the Whitfield Offices for Officers, continues to not allow smoking near the entrances of the other locations and a designated smoking area be identified at the front of the Whitfield building for customers.
11. Smoking will also be prohibited in all Council-owned vehicles that could be used by more than one person, and delivery vehicles. Employees will be prohibited from smoking whilst vehicle sharing for work purposes.
12. Special mention is made in the scheme to all staff that are required to undertake site visits or visit customers in their homes and the rights of those staff to request that their customers do not smoke. Employees in such roles will be advised of their rights with regards to working in a smoke-free environment and what steps to take should a customer fail to stop smoking whilst they are in their homes.
13. In line with the Council's commitment to the health and safety of its employees, information on support services to assist staff who wish to stop smoking has been collated and is available from the Human Resources Section.
14. Staff who chose to smoke will continue to be required to take into account time taken for smoking breaks either by deducting a minimum of ten minutes from their daily total for each break if they are part of the flexible working hours scheme or by taking the time into account when ensuring their contracted weekly hours are worked if they are not part of the flexible working hours scheme.

Background Papers

None

Resource Implications

None

Consultation Statement

In developing the approach to the changes, other local authorities in Kent have been canvassed for their views. The East Kent Cluster has been formally consulted with, and no comments were received. The proposals have also been discussed with the Trade Unions, and a copy of the correspondence is attached.

Attachments

- Appendix 1 – Smoke-Free Workplace Policy
- Appendix 2 - Formal correspondence with Unison

AMANDA NICHOLLS

Human Resources Manager