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Private and Confidential

Carole Brown
Unison Branch Secretary
UNISON

Dear Carole

Formal Consultation – Smoke Free Policy

Thank you for responding to the formal consultation on the Smoke Free Policy. I have discussed your comments with Corporate Management Team and please find below our formal response. For ease I will address each of your points separately.

Smoke-Free Policy

Restricting smoking breaks to lunchtime only could cause great difficulty for some smokers. Smoking is an addiction and to ask some members of staff not to smoke for in excess of three hours may be difficult. This restriction may be deemed to be unfair, as almost everyone takes breaks to make tea and coffee. Have you considered restricting smoking to fall in line with core hours of the flexi system, i.e. to permit smoking between the hours of 10am and 3.30pm. Another option would be to permit smoking for an hour in the morning, during the lunchtime period, and an hour in the afternoon. Staff would of course still have to book out the standard 10 minutes per smoking break on their flexi sheet.

We will revert back to the clause in the current policy: 'Officers working within the flexible working hours system must make a deduction of ten minutes, or such longer period as they may be away from their office, from their daily total for each break. Officers not within the flexible working hours system must take into account any break when ensuring a minimum of a 37 hour week is worked. Any absence from the place of work for the purpose of smoking must not adversely affect the operation of the Council's service.'

Is a car considered an extension of the workplace? If all parties travelling in the car agree, then we do not consider it appropriate for the Council to impose a 'no smoking' restriction.

Yes the car is considered an extension of the workplace. We still believe the statement is valid, for example if an officer is travelling with their manager, they may feel uncomfortable if the manager said 'You don't mind if I have a cigarette do you?' By putting this clause in it will prevent this. A further point will be added to the policy: 'An Officer may refuse to travel with another Officer, where smoking has taken place beforehand in the vehicle'.

Home visits are a difficult one. The ban on smoking does not apply in private homes and we believe that staff would find it very difficult to request that a customer refrain from smoking in their own home. The suggestion in the policy is that those customers who refuse such a request should meet at the Council Offices. This may not be possible in all circumstances;

there are instances where our customers have to be visited at home, for example, Sheltered Housing Officers, Valuers.

We do take on board this comment, but we have a duty to provide employees with a smoke-free working environment and cannot force an employee to work in a smoky atmosphere. This will be difficult, but we must make sure that we educate our employees and our customers in terms of their rights and what will happen if customers refuse to discontinue smoking. We will also need to provide full support to all employees who refuse to carry out a meeting / interview because the customer refused not to smoke and will have to address each situation separately in terms of adjustments that must be made. The communal area at the sheltered housing schemes will be no smoking. Where appropriate the request for no smoking on home visits should be included in any letter sent on advance of the visit and this forms part of the policy.

Will this policy apply to those working extensive times on out of office working, weekend working etc.

Yes it will apply to all employees

Will the Council provide 'no smoking' signage for lease cars?

No smoking signs will be supplied for official vehicles.

I do hope that this letter helps to address the issues you have raised, and I intend to put the policies forward for adoption to the General Purposes Committee on 28th June 2007.

Yours sincerely

Amanda Nicholls
Human Resources Manager