
Subject:	DDC SMOKING POLICY
Meeting and Date:	Joint Health, Safety and Welfare Consultative Forum – 13 January 2016 General Purposes Committee – 10 March 2016
Report of:	Director of Governance
Classification:	UNRESTRICTED

Purpose of the report:	To present an updated corporate Smoking Policy to the members of the Joint Health, Safety and Welfare Consultative forum
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Recommendation:	To support the updated Smoking Policy as presented
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1. Summary

The draft DDC Smoking Policy is intended to refresh and update the existing document 'Smoke Free Workplace' which was written in 2007 and does not represent changes in corporate structure or technological advances.

How the smoke free legislation is applied and the restrictions applied corporately remain unchanged, however the new policy does update references to departments that have changed since 2007. The format and layout of the original document have been updated in line with current Policies.

The draft Policy also incorporates the use of e-cigarettes, which has increased in recent years and specifically their use at work.

The draft Policy has been discussed at CMT and at the regular Management/ Trade Union meeting. Comments from these meetings have been incorporated into the draft.

2. Introduction and Background

2.1 In updating the current Smoke Free Workplace Policy how the Dover District Council ensures the Smoke Free Legislation is complied with has not been changed. The following key elements of the Policy remain:-

- (a) No smoking legislation is enforced inside all Council buildings
- (b) At the Whitfield offices employees are only permitted to smoke in the smoking shelter.
- (c) Officers at other locations must not smoke in view of the public, in their uniforms or close to entrances
- (d) Smoking in council vehicles is prohibited and vehicles will display the mandatory no smoking sign.
- (e) Private vehicles shared for work purposes should not be used to smoke in while others are in the vehicle as passengers or the driver.
- (f) Staff visiting customers in their homes who are smokers are able to request that they do not smoke for the duration of the visit or make alternative arrangement to provide that service.
- (g) Notification that a breach of the Policy may result in appropriate disciplinary action.

2.2 The two key changes to the current Policy are:

- (a) The removal of the requirement for officers working on the flexible hours system to deduct 10 minutes (or more if longer is taken) for each smoking break from their daily total. Similarly the statement that specifically requires staff not using this system to account for each break when ensuring a minimum of a 37 hour week is worked has been removed.

The updated Policy does not include a prescribed break length or specific requirement that staff should make up time for breaks. Instead this is left to manager discretion and that where the length and frequency of smoking breaks creates a problem with service provision or output breaks may be restricted. Smokers have argued that non smoking staff taking regular breaks are not penalised. It is felt that this approach provides the flexibility for staff to smoke, but allows managers to deal with situations where excessive breaks create an issue.

- (b) The use of e-cigarettes both as a replacement to smoking and a mechanism for giving up has increased in recent years. These devices are not classed as a tobacco product and fall outside the scope of the smoke free legislation, which means they can legally be used inside. The devices and the nicotine solutions are currently unregulated and little is known about the long term health effects.

Concern had been raised by staff where e-cigarettes had on occasion been used in offices or in public areas. It was clear that corporate guidance was needed and should be included in the current Policy. To avoid any potential health risk and the normalisation of smoking in the workplace the policy treats the use of e-cigarettes the same way as smoking.

3. **Identification of Options**

3.1 The options for the draft Smoking Policy are :

- (a) Adopt the Policy as presented.
- (b) Adopt the Policy with recommendations.
- (c) Reject the Policy

4. **Evaluation of Options**

The existing Policy is out-of-date and does not include all current issues. An updated policy should be adopted, with amendments if the group decides this is necessary.

5. **Resource Implications**

There are no additional resource implications identified with the adoption of this updated Smoking Policy.

6. **Corporate Implications**

Comment from the Section 151 Officer, Solicitor to the Council and Equalities Officer will be obtained and included in the report to the General Purposes Committee.

7. **Appendices**

Appendix 1 – Draft DDC Smoking Policy

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