



ORKNEY
ISLANDS COUNCIL

SMOKING POLICY

1.0 INTRODUCTION

Orkney Islands Council is committed to the protection and improvement of the health of Orkney's population, including caring for the wellbeing of its staff.

The Council recognises the risks of smoking tobacco both to smokers and non-smokers. The Council's aim is to minimise the harmful and unpleasant effects of smoking on staff and the public in those buildings controlled by the Council and to offer all employees who smoke positive assistance to give up.

This policy will replace all previous policies and instructions relating to control of smoking in Council premises or worksites. It complies with the Smoking, Health & Social Care (Scotland) Act 2005 and recognises the statutory duty outlined in the Health & Safety at Work Act 1974, and the Safety & Health of Pregnant Workers Directive (92/85/EEC)

This policy, and any significant future amendments, will be subject to staff consultation and a reasonable period of notice before implementation, to allow time for staff to effect any necessary actions and adjustments.

The policy applies equally to all Council employees, encouraging equal opportunities with respect to disability, gender, race, religion/belief, age or sexual orientation. An Equality Impact Assessment has been undertaken to ensure that no groups are adversely affected in implementing this policy.

2.0 OBJECTIVES

- 1 To clarify the rights of non-smokers and smokers and to confirm their responsibilities.
- 2 To protect the health of employees, with particular reference to non-smokers and that of the public in dealing with the Council and its staff.
- 3 To provide information and support for those employees who wish to stop smoking.
- 4 To promote non-smoking as the norm and provide a smoke free environment in all buildings controlled by the Council.

3.0 EMPLOYEE RIGHTS AND DUTIES

It is the right of all employees not to be exposed to the inhalation of tobacco smoke whilst working in Council controlled establishments. Employees should not have to work in a smoking environment.

All smokers may receive support should they wish to stop smoking; it is the duty of all employees who smoke to conduct themselves in a manner which is conducive to the health and safety of others.

4.0 RESTRICTIONS

Smoking, by all staff, visitors, clients and contractors, will be prohibited in all buildings controlled by the Council except in care homes where areas or rooms maybe designated as "smoking permissible" for use by the residents only

5.0 OTHER CONSIDERATIONS

- (a) Support for those employees who presently smoke, but wish to give up, will be provided through Smoking Matters Orkney and Smokeline, details of which may be obtained through Personnel Services.
- (b) Employees who provide a service to members of the public in their own homes will not be permitted to smoke whilst at work. Council employees who may be exposed to tobacco smoke in client's homes will be protected as far as possible by a risk assessment and support to request a smoke free environment during visits.
- (c) Employees having charge of children and young people on trips away from their normal place of work will not be permitted to smoke in view of the children, or in areas used by them.
- (d) Smoking will not be permitted in Council owned vehicles or on marine craft, or in leased or private vehicles carrying passengers during the course of work duties.
- (e) It will be permissible for smokers to smoke outside the building concerned, providing they do not do so adjacent to a public entrance to that building, in doorways used by other staff or at fire doors which are left open. Smokers wishing to smoke may do so only during normally admissible breaks otherwise they are expected to make up the time.
- (f) Council employees who are employed to look after the needs of residents in residential homes, will not be permitted to smoke whilst on duty, other than within the terms outlined in (e), above. Where there is a danger of staff exposure to client smoking within residential units, a risk assessment will be carried out and safer systems of work aimed at reducing the risk to staff will be adopted.

6.0 ENFORCEMENT

The problems faced by smokers when attempting to give up, or by those smokers who are faced with restrictions on their ability to smoke, are recognised. Nevertheless, it will be necessary for all concerned to conform with the requirements of this policy.

Smokers who smoke in non-smoking areas will be subject to disciplinary action, in the first instance through discussion with the immediate supervisor or manager and a warning that the consequences of repetition will involve recourse to the disciplinary procedure. The employee concerned will be advised as to the source of support and assistance and to the consequences of repetition.

Managers can obtain guidance on implementing this policy from the Head of Personnel Services and/or the Health and Safety Service.

7.0 MONITORING AND REVIEW

This policy will be monitored regularly and reviewed annually by the Council's Corporate Management Team.

Date: 8th July 2009