

## **BARNSLEY METROPOLITAN BOROUGH COUNCIL**

**This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan**

### **Report of the Directors of Core Services and Public Health**

#### **Revision of the Council's Smoking and Vaping at Work Policy**

##### **1. Purpose of Report**

- 1.1 This report seeks to obtain approval for revision/re-designation of the Council's Smoking and Vaping at Work Policy with regard to the use of e-cigarettes, smoking breaks and support for smoking cessation.

##### **2. Recommendations**

- 2.1 It is recommended that the Report be accepted and the Council's Smoking and Vaping at Work Policy be revised to reinforce the use of electronic or e-cigarettes; make further clarification on smoking/vaping breaks; and offer support for employees for smoking cessation. Therefore smoking/vaping will continue to not permitted to be used by any employee, Member or member of the public:
- a) In/on any designated Council workplace.
  - b) At or in the immediate vicinity of the entrance or exit of any Council workplace where they could be in view of the public.
  - c) In Council vehicles.
  - d) In enclosed public places (including public buildings) owned by the Council.
- 2.2 In addition employees will not be permitted to smoke and/or vape anywhere whilst at work. This includes in a client's home and in a public place. Smokers/vapers will therefore need to smoke/vape in their own time. To ensure equitable treatment of all employees, employees **MUST ENSURE** that smoking breaks are fully and accurately recorded when taking smoking/vaping breaks during the working day. In addition, smoking/vaping are permitted in recorded official lunch/rest breaks. For any/all smoking/vaping breaks employees must:
- a) Ensure that they sign out and in recording the break on their time sheet – the Council reserves the right to question smokers as to whether they have accurately recorded their smoking break any occurrences where breaks, in the first instance, are not accurately recorded will be investigated and action taken as necessary. Any breaks taken for smoking must be recorded from 'desk to desk', i.e. the break starts when leaving the work area and finishes on return to the work area and therefore includes the time taken to travel to/from the area the employee smokes/vapes.
  - b) Ensure that the frequency of smoking/vaping breaks is reasonable and in line with the needs of their service (this will be monitored by managers).
  - c) Remove their Council ID card and lanyard so they cannot be immediately associated with the Council.

- d) **Not be wearing a Council uniform.**
- e) **Ensure that they do not drop litter (as necessary littering enforcement will be carried out by relevant Council services).**
- f) **Not smoke/vape within the curtilage of Council premises (i.e. we have smoking/vaping free sites) or in such places that may cause a nuisance to neighbouring premises/properties (such as adjacent to the open/openable windows of premises or the entrances to neighbouring shops etc.) or reasonably associate the employee with Council premises.**
- g) **Not smoke/vape in public thoroughfares thus exposing the public/residents/visitors to secondary smoke/vapour.**

### **3. Introduction**

- 3.1 The Council's Smoking at Work Policy was revised in 2013 to incorporate the use of electronic or e-cigarettes. Since the last policy revision the use of e-cigarettes or 'vaping' has increased and the proposed revised policy encompasses current guidance on vaping and 'future-proofs' the policy in relation to any further development in vaping techniques. In addition the policy has been revised to reflect the Council's Public Health Strategy in relation to smoking/vaping and to make the accurate recording of smoking/vaping breaks by employees more robust and clarify where smoking/vaping can take place in relation to smoking breaks. In support of the Public Health Strategy and the Council's aim of encouraging smokers/vapers to stop, provision has been included to allow smokers/vapers limited special leave to attending smoking/vaping cessation support.
- 3.2 The policy changes are shown in the proposed Smoking and Vaping at Work Policy (Appendix B) with changes highlighted in blue text on pages 1 to 4.

### **4. Consideration of alternative approaches**

- 4.1 The current policy could be maintained however, this would not fully support the Council's Public Health Strategy; may lead to confusion over the applicability of more recent developments in vaping; will not clarify the policy re smoking/vaping breaks; and not offer employees support for smoking cessation.

### **5. Proposal and justification**

- 5.1 **Proposal:** Accept the recommendation and revise the Council's Smoking and Vaping at Work Policy as outlined in 3 above.  
  
**Justification:** Based on the discussion in 3 above it is considered that the proposal will support efforts to improve the health of employees, Members and members of the public.

### **6. Delivering Sustainable Community Strategy Ambitions and Local Area Agreement Outcomes**

- 6.1 There are no foreseen implications of this proposal.

### **7. Long term sustainability of the proposal**

- 7.1 There are no foreseen implications of this proposal.

**8. Impacts on local people**

8.1 There are no foreseen implications of this proposal.

**9. Compatibility with European Convention on Human Rights**

9.1 There are no foreseen implications of this proposal.

**10. Promoting equality and diversity and social inclusion**

10.1 There are no foreseen implications of this proposal.

**11. Reduction of crime and disorder**

11.1 There are no foreseen implications of this proposal.

**12. Conservation of bio-diversity**

12.1 There are no foreseen implications of this proposal.

**13. Risk management issues including health and safety**

13.1 There are no foreseen implications of this proposal.

**14. Financial implications**

14.1 Whilst ostensibly a loss of productivity rather than direct cost, there is a financial impact of employees being given special leave to attend smoking/vaping cessation support. The impact will vary from employees to employee depending on the hourly rate for their grade. However, it is hoped that in the longer-term employees who stop smoking/vaping will be healthier and more productive.

**15. Employee implications**

15.1 There are no direct employee implications arising from this report given that the action plan outlines an evolution rather than revolution of existing arrangements.

**16. Glossary**

16.1 Not applicable

**17. List of appendices**

Appendix A – Current Smoking at Work Policy 2013

Appendix B – Proposed Smoking and Vaping at Work Policy 2017

**18. Background Papers**

18.1 See Appendices A and B.

## **19. Annex – consultations**

### **19.1 Financial implications**

Whilst ostensibly a loss of productivity rather than direct cost, there is a financial impact of employees being given special leave to attend smoking/vaping cessation support. The impact will vary from employees to employee depending on the hourly rate for their grade. However, it is hoped that in the longer-term employees who stop smoking/vaping will be healthier and more productive.

### **19.2 Employee implications**

The Service Director Human Resources and Business Support had been consulted on the employee implications of this report. The relevant trade unions and affected employees have been consulted at the Council's Employee Relations Forum. The policy has been revised following this consultation and no objections have been received on the version proposed. Staff will be informed via Straight Talk which managers should disseminate accordingly.

### **19.3 Legal implications**

The report continues to assist the Council to fulfil its statutory duties under the Health Act 2006 and associated smoke-free legislation. In addition the Policy supports the Council's efforts in providing a safe and healthy working environment under the Health and Safety at Work etc. Act 1974 and associated legislation.

### **19.4 Policy implications**

There are no foreseen implications of this proposal.

### **19.5 ICT implications**

There are no foreseen implications of this proposal.

### **19.6 Local Members**

There are no foreseen implications of this proposal.

### **19.7 Health and safety considerations**

The proposed changes to the policy supports the Council's efforts in providing a safe and healthy working environment under the Health and Safety at Work etc. Act 1974 and associated legislation.

### **19.8 Property implications**

There are no foreseen implications of this proposal.

### **19.9 Implications for other services**

There are no foreseen implications of this proposal.

**19.10 Implications for service users**

There are no foreseen implications of this proposal.

**19.11 Communications implications**

There are no foreseen implications of this proposal.

**Simon Dobby, Head of Corporate Health, Safety and Emergency Resilience;**

**19<sup>th</sup> April 2017; telephone ext 2289**