

WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE 18 MAY 2011

SMOKING POLICY

Purpose of Report

1. The purpose of this report is to put forward the options for a new smoking policy to cover all employees of Wiltshire Council.

Background

2. Wiltshire Council currently has 5 smoking policies implemented prior to April 2009. These policies need to be harmonised into one policy that provides a consistent approach across sites.
3. In June 2010, the Joint Central Health and Safety Committee discussed the proposal to harmonise the policies to a smoke-free environment policy adopting the old county council and north Wiltshire district council policies of smoke-free sites. It was agreed that a formal proposal be put forward for comment. The following considerations need to be taken into account:

Main considerations

4. In considering the options for implementing a consistent approach to smoking across sites key stakeholders were consulted including the HR stakeholder panel, occupational health and safety, property services and the unions.
 - Inconsistencies across policies
The different council smoking policies have resulted in different approaches being taken by managers since April 2009. Employees at the same workplace have to adhere to different arrangements in relation to where and when they may smoke, and managers need to remember which policy applies to which employee.

There are also inconsistencies within the old county council policy and its stance of a total smoking ban. Managers in an attempt to resolve employee issues have created their own workplace solutions. This causes issues where different pockets of employees are allowed to take flexi time to smoke and differences in the number of smoking breaks that they are allowed during the working day.
 - Enforcement
The location of Bourne Hill with a public footpath through the grounds makes a total smoking ban on all Wiltshire Council premises and grounds difficult to enforce. A total smoking ban could only be enforced for the footprint of the building.

Regardless of the stance that the harmonised policy takes, it must be easily enforced by line managers. If not, it will revert to the current situation where there are differences in relation to where and when employees may smoke.

- **Image of Wiltshire Council**
A total smoking ban on all Wiltshire sites forces employees to smoke in visible places to the public such as the entrances to the grounds and local bus shelters close to Wiltshire Council property. There have been complaints raised in the past by members of the public where employees have been using bus shelters to smoke.

Any decision to remove the total smoking ban on all Wiltshire Council grounds may be seen by some as a backward step to the old Wiltshire County Council policy. However, this would remove the need for employees wishing to smoke making use of the entrances and bus shelters in the local area and the negative impact that this has on the organisation.

- **Smoking breaks**
A practical solution for employees wishing to smoke during the working day is required so that it can be managed effectively by line managers and is consistent across teams and workplaces.
- **Unison feedback**
Unison provided a position statement on the proposal to ban smoking from Wiltshire Council workplaces and to end smoking breaks following the committee meeting in June 2010.

Unison does not support a total smoking ban from all council work sites and states that there should be an appropriate space as a designated smoking area.

Unison would like Wiltshire Council to adopt a reasonable solution to the issues in relation to smoking breaks.

- **Other local authorities in the south west**
The majority of neighbouring local authorities do not have a total smoking ban on all council property. Employees are not permitted to smoke close to entrances and office buildings but a designated smoking area is provided.

Time is allowed for smoking breaks with agreement of the line manager and the time taken is to be made up during the day.

Options for consideration

5. The options for consideration are outlined below:

- **Option1 - smokefree sites across all Wiltshire Council workplaces**
To follow the Wiltshire County Council policy of prohibiting smoking on all Wiltshire Council grounds.

This would require communication of the approach to employees to help understanding and enforcement of the policy and in particular ex-district employees who have been used to different arrangements.

Better signage would be required so that it is clear to employees and members of the public that smoking is prohibited.

The smoking shelters at Bradley Road and Riverway depot would need to be removed and employees affected informed early on in the process. This would require a lead in time so that employees are able to adjust to the changes in arrangements.

This approach would not be popular amongst employees, especially in the depots where traditionally a high percentage of the workforce are smokers. Unison would also not support this option.

- Option 2 - smoking at designated points
To allow employees to smoke on Wiltshire Council premises at designated points only.

A designated area will be made available at each workplace to enable employees to smoke on authorised rest breaks away from offices and entrances. The smoking shelters at Bradley Road and Riverway Depot will continue to be available until such a time when these become in need of repair. At this point, the shelter will be removed and in its place, a designated area marked for employees to smoke.

This would require better communication and signage to ensure that employees are aware of the areas where smoking is permitted and bins for disposal of cigarette butts.

- Option 3 - smoking at designated points - shelters provided on all premises
To allow employees to smoke on Wiltshire Council premises at the designated shelters only.

This would require a shelter to be placed at each site (where appropriate) to enable employees to smoke on authorised rest breaks away from offices and entrances. However, the implementation of a shelter at Bourne Hill would prove difficult as the public have access through the grounds.

- Smoking breaks
To allow smoking breaks in agreement with the line manager. As a guide this should be no longer than 10 minutes in the morning and afternoon unless in exceptional circumstances. The employee should arrange to make up the time taken.

Environmental Impact of the proposal

6. None

Equalities Impact of the proposal

7. An Equalities Impact Assessment will be undertaken in June 2011.

Risk Assessment

8. None

Recommendations

9. Further to the options outlined above it is recommended that the Staffing Policy Committee agrees to adopt option 2 to allow smoking at designated points (without shelters) and permit a 10 minute break in the morning and afternoon should employees wish to smoke and make up the time during their working day.
10. Implementing option 2 would provide the best solution for the reasons identified below:
 - Designated smoking points would avoid employees smoking in public areas and complaints from the public
 - Unison supports the approach to provide designated areas and views a total smoking ban as unrealistic and discriminatory
 - Designated smoking areas would be less costly than providing permanent shelters at all sites and easier to maintain

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The following unpublished documents have been relied on in the preparation of this Report: None