

# Management Arrangements for Smoke Free Working



**NO SMOKING**

Version Number: 2

Health and Safety Management Arrangements

## DOCUMENT CONTROL

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<b>VERSION / REVISION</b>	<b>DATE</b>	<b>REVISION DESCRIPTION</b>
1	23 November 2016	Revision of Management Arrangements to reflect the specific legislation in Scotland to ban smoking in public/enclosed places. With emphasis on the support mechanisms available for those who wish to stop smoking. Further clarity of the governance around the prevention of smoking in Council premises.
2	18 July 2018	Revision of Management Arrangements to reflect the requirements of the Scottish Governments 'Tobacco Free Strategy for Scotland'

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### **1.0 INTRODUCTION**

- 1.1. These “Smoke Free - Management Arrangements’ seek to build on the Smoke Free Management Arrangements approved in November 2016 with the purpose of driving forward improvements in the health of our employees and that of the people of Midlothian.
- 1.2. The Management Arrangements set out the Council’s approach to meet the requirements set out within the Health and Social Care (Scotland) Act 2005 and The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006. The Management Arrangements now goes further than meeting only the statutory requirements but also implementing key themes of the Governments tobacco control strategy which seeks to create a tobacco free generation.
- 1.3. The ban on smoking within Council premises and grounds includes the use of electronic cigarettes.

### **2.0 DEFINITION**

For the purpose of these Management Arrangements “smoking” means to smoke tobacco, any substance or mixture which includes it or any other substance or mixture (including e-cigarettes); and a person is to be taken as smoking if the person is holding or otherwise in possession or control of lit tobacco, of any lit substance or mixture which includes tobacco or of any other lit substance or mixture which is in a form or in a receptacle in which it can be smoked.

### **3.0 SCOPE**

- 3.1 Smoking is prohibited throughout the entire workplace. This extends to council vehicles (owned or hired), including privately owned/leased vehicles where employees are on council business. These Management Arrangements, apply to all employees and ‘others’ (elected members, consultants, contractors, customers, members of the public and visitors).
- 3.2 Smoking will only be permitted under strict conditions for residents of adult care homes, where a dedicated provision has been made. While residents will be permitted to smoke in these rooms,

employees or others e.g. visitors will not be permitted to smoke in these areas.

### **4.0 MANAGEMENT ARRANGEMENTS**

- 4.1 It is the intention of Midlothian Council that all of our workplaces are smoke-free and all employees have a right to work in a smoke-free environment. These Management Arrangements will ensure this is implemented.
- 4.2 Employees who do smoke are encouraged to stop in order to gain from the many health benefits that result from not smoking. As an employer, Midlothian Council will encourage and support employees who desire to stop smoking.
- 4.3 Employees who do wish to smoke must only smoke during designated break times. To ensure an equitable approach is followed; employees who work outdoors must be treated in the same way as employees who are based indoors and, therefore, must only smoke during designated break times.
- 4.4 Employees who do smoke must do so only at external locations that do not give rise to another person being affected by exposure to passive smoke, i.e. smoking is prohibited at:
  - a) All properties and surrounding grounds, including schools;
  - b) All entrances and exits to and from council buildings regardless if these are at the rear, side or front;
  - c) Locations near window openings/ ventilation intakes of council or other buildings; and
  - d) All council vehicles.
- 4.5 As an employer, Midlothian Council does not wish to encourage smoking and will not provide external sheltered smoking areas for employees or anyone else. (There is no legal requirement for this type of provision in external areas).
- 4.6 Employees who smoke must ensure that they discard all related smoking materials in an appropriate and responsible manner that does not give rise to littering or the potential for a fire to start.
- 4.7 Employees and others are not permitted to smoke in any 'designated rooms' where smoking may be permitted for clients, e.g. in adult residential care homes.
- 4.8 It is the Policy of the council to de-normalise smoking further and discourage young people from being influenced by what they may see as "adult" activity. Therefore, scenes of adult/parental smoking at the entrance to schools, nurseries and within parks and playgrounds are to be discouraged.

### 5.1 RESPONSIBILITIES

#### 5.2 Chief Executive

The Chief Executive is ultimately accountable for ensuring compliance with health and safety matters within all Service areas of the council. This includes the provision of resources to apply the requirements of these arrangements.

#### 5.3 Directors/Heads of Service

Overall responsibility for the Implementation of this Management Arrangement rests with each Director and Head of Service.

Directors and Heads of Service will ensure Managers working within their service:

- communicate the health impacts of smoking and health benefits of not smoking to employees;
- make employees aware of the requirements of this Management Arrangement and the penalties for not following this
- enforce this Management Arrangement within their teams and set an example for others.

#### 5.4 Managers/Supervisors

Line Managers/Supervisors/ Heads of Establishment shall inform all existing employees, consultants and contractors of the Management Arrangement and their role in the implementation and monitoring of the Management Arrangements. They will also have to make all new employees aware of the Management Arrangement.

Enforce this Management Arrangement within their teams and set an example for others.

Communicate the negative health impacts of smoking and the positive health benefits of not smoking to employees.

Managers/Supervisors will ensure arrangements are in place to write to clients where home visits are conducted, requesting the client and anyone else in their home refrain from smoking while council employees are in attendance.

#### 5.5 Heads of Establishment

Heads of Establishment will ensure that notices of the ban on smoking are prominently displayed in key areas throughout each building (e.g. all entrance points, meeting/training rooms, toilets, canteens, rest rooms, etc.)

Where possible, Heads of Establishment, must consider providing suitable waste receptacles for the disposal of smoking materials, however, the type and location of these must be given careful

consideration. Waste receptacles should be fit for purpose, located in areas that do not give rise to exposure to second-hand smoke, for example at entrances to properties and they should not create a safety hazard.

### **5.5 Employees**

All employees should familiarise themselves with the health impacts of smoking and health benefits from not smoking.

Employees:

- must not smoke while at work;
- must not smoke within Council operated properties and surrounding grounds;
- must not smoke at or near entrances or exits to and from council buildings regardless if these are at the rear, side or front;
- must not smoke near window openings/ ventilation intakes of council or other buildings; and
- must not smoke in Council owned or hired vehicles.

Any employee not comply with these Management Arrangements will be treated seriously. Disciplinary action may be instigated in accordance with the Council's Disciplinary Procedure. Those employees who do not comply with the smoking law are also personally liable to a fixed penalty fine and possible criminal prosecution.

Employees who have pre-existing conditions that could be made worse by exposure to tobacco smoke, such as asthma, Chronic obstructive pulmonary disease (COPD) and cardiovascular disease or who face additional risks e.g. due to pregnancy must bring this to the attention of their line manager where their work could expose them to tobacco smoke.

### **5.6 Trade Union Representatives**

Trade Union representatives will have responsibility for assisting with the development, implementation and monitoring of Occupational Health, Safety & Wellbeing Management Arrangements and Procedures.

They will do this by:

- liaising with the Chief Executive, Service Directors, Managers and employees on health, safety & wellbeing issues at national and local level;
- Representing employees at Divisional Consultative Committee Meetings;
- Attending Divisional Consultative Committee meetings as required, to discuss health, safety and wellbeing issues; and
- Fulfilling the responsibilities as identified above for employees.

### **6.2 Displaying no smoking signage**

Appropriate 'No smoking' signs will be clearly displayed at the entrances to and within all Council premises. 'No smoking' signs will be clearly displayed in or on any council vehicle affected by the ban in such a way that the signs can be seen and read by persons who are in the vehicle, as well as persons approaching the vehicle in question. It is the responsibility of the Business Manager- Travel Team, to ensure that sufficient and appropriate signage is displayed on all relevant vehicles and that this signage is maintained and clearly legible.

### **6.3 Smoking Cessation Support**

The council will provide support and information to those employees who wish to stop smoking. Self-help information is available as part of the council's Healthy Working Lives activities.

Support is available through the Council's "Employee Assistance Programme" (Workplace options) GPs or other agencies including:

- Smokeline telephone free-phone 0800 84 84 84
- [www.canstopsmoking.com](http://www.canstopsmoking.com)
- Employee Assistance Programme (Workplace Options).

Employees may contact any of these agencies on a self-referral basis.

### **6.4 Special Exemptions**

In Council service areas that have adult residential accommodation, an exemption has been granted that allows for the provision of a "**designated room**" for the sole use of clients who wish to smoke.

### **6.5** Employees, Visitors, contractors and any other persons who are not clients are not permitted to smoke in designated rooms.

### **6.6** It is not mandatory for the provision of such rooms. Each relevant service area must decide on their approach on this matter and ensure that it is communicated to employees and others. The approach should focus on the proactive measures that can be adopted to help residents in adult accommodation to be encouraged to stop smoking.

### **6.7** If designated rooms are to be provided they must comply with the Health and Social Care (Scotland) Act 2005 by ensuring that they meet the following specification:

- The room must be designated by the relevant line manager/head of establishment for the facility in question;
- The room must have a ceiling and, except for doors and windows is completely enclosed on all sides by solid floor-to-ceiling walls;
- The room must have a ventilation system that does not ventilate into any part of the no smoking premises in question (except any



other designated rooms); and

- The room must be clearly marked as a room in which smoking is permitted.

### **6.8 Domiciliary/Home visits**

Employees who visit / treat people in their homes are at risk if the person being visited is or shares a home with a smoker. While the Department acknowledge that private houses are not covered by 'The Smoking, Health & Social Care (Scotland) Act 2005 the general requirements of the Health & Safety at Work etc. Act 1974 apply to the protection of the health of employees.

- 6.9** Where clients or family members of clients are known to smoke this should be brought to the attention of the manager for the service area. Once the situation relating to individual properties is ascertained, steps can be taken to reduce the exposure employees might face.

- 6.10** Examples of measures to be taken include, writing to those who will be visited to ask them and those who may be with them i.e. family members, not to smoke during the visit, and ideally not to smoke for an hour or so before the visit is scheduled to take place. An exemplar letter is included in

Appendix 1 to these Management Arrangements. Services will use their discretion in addressing this matter with their Service Users.

- 6.11** Where clients refuse to adhere to this request, the affected employee must report this to their line manager. Line managers will then consider the options available.

- 6.12** Managers will identify employees who have a pre-existing condition that could be made worse by exposure to tobacco smoke, such as asthma, Chronic obstructive pulmonary disease (COPD) and cardiovascular disease or who face additional risks e.g. due to pregnancy.

- 6.13** Employees who have such conditions are at higher risk and particular care should be taken to prevent or minimise their exposure to tobacco smoke.

- 6.14** Residential Accommodation for young people  
The smoking ban, which applies to 'wholly or substantially enclosed' public premises, applies to residential accommodation operated by the Council. Smoking will not be permitted within the units or within the garden area. Anyone smoking must do so a reasonable distance from the building.

- 6.15** Employees who smoke must refrain from smoking in front of young people, in order to de-normalise smoking as being regarded by young people as normal 'adult' activity.

- 6.16** Educational Premises (Schools, Nurseries), the smoking ban, which applies to 'wholly or substantially enclosed' public premises, applies to schools and other Educational Establishments operated by the Council. This ban applies to employees, visitors, pupils etc. without exception.
- 6.17** While the legislation prohibits smoking within the premises only, the Council have extended this ban to include school grounds.
- 6.18** The purpose of including school grounds in the area where smoking is prohibited is to dissuade young people from being influenced by what they may see as normal 'adult' activity.
- 6.19** While the Council cannot prevent parents from smoking out-with the school grounds e.g. at the entrances to schools,
- 6.20** school management teams may feel that this should also be discouraged to continue to dissuade young people from being influenced by what they may see as a normal 'adult' activity. This approach would require voluntary participation by parents.

## **7 MONITORING PERFORMANCE**

The application of these Management Arrangements will be monitored by Managers, Heads of Establishment and Trade Unions. The Council's Health & Safety Team will examine the monitoring activity carried out by Managers & Heads of Establishment as part of the Health & Safety Audit program.

## **8 REVIEWING PERFORMANCE**

Where it is found the Management Arrangements are not being implemented correctly this will be brought to the attention of the relevant Service Manager and Head of Service. A report will also be made to the Corporate Management Team.

This Management Arrangements will be kept under review by the Corporate Management Team and Divisional Consultative Groups.

Standard letter to clients

Our Ref:  
Your Ref:  
Direct Line:  
e-mail: @midlothian.gov.uk

Dear

**Protection of Workers from the Harmful Effects of Tobacco Smoke**

Midlothian Council owes its employees a duty of care to protect their health & safety while they are at work; as you will know the potentially harmful effects of tobacco smoke in the form of passive smoking have become well established, to the extent that the Scottish Parliament introduced legislation to ban smoking in enclosed places.

While this ban does not extend to private individuals homes you will appreciate that as a reasonable employer, Midlothian Council does not wish to expose its employees to harm. With this in mind we kindly request that while employees from Midlothian Council are meeting with you in your home that you and anyone else in your home refrain from smoking for the duration of the visit and ideally for one hour prior to any pre-arranged visits.

Your assistance with this matter is greatly appreciated.

Yours sincerely

*Produced by:*  
**Midlothian Council**  
**Risk, Safety & Health Team**