FALKIRK COUNCIL

SMOKING POLICY

September 2014
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PART 1

Introduction

As a good employer, and in recognition of the statutory duty of care to employees, Falkirk Council aims to improve the health and wellbeing of all employees in line with the Healthy Working Lives agenda. Falkirk Council recognises that smoking is detrimental to the health of all who are exposed to tobacco smoke. The purpose of this Policy is to assist the Council in its management of a smoke-free environment in line with the requirements of the Smoking, Health and Social Care (Scotland) Act 2005, the Health and Safety at Work Act (1974), the Safety & Health of Pregnant Workers Directive (92/85/EEC) and the Tobacco and Primary Medical Services (Scotland) Act 2010.

PART 2

Policy Statement

Falkirk Council is committed to maintaining the health and safety of its employees and all those affected by its activities. The Council recognises the health risks associated with smoking and, in line with the Smoking, Health and Social Care (Scotland) Act, which made it illegal to smoke in any enclosed public place in Scotland from 26th March 2006, and the Tobacco and Primary Medical Services (Scotland) Act 2010, which makes illegal the purchase of tobacco products by, or on behalf of, persons under 18 years, will ensure a smoke-free working environment. This applies to all Council workplace premises and vehicles driven on Council business.

There is currently no government standard for the contents of e-cigarettes and vapour cigarettes and as such the medical benefits or possible health risk are still unclear. In response to this, the Medicines and Healthcare products Regulatory Agency (MHRA) plan to license e-cigarettes by 2016. The World Health Organisation (WHO) have concerns that these products may increase addiction to the young and have concerns regarding the long term health effects of the contents of the aerosol cartridges.

In line with current British Medical Association guidance smoking of regular cigarettes, e-cigarettes, vapour cigarettes or any other substances smoked or inhaled is prohibited in Council workplace premises and in vehicles driven on Council business for all staff, elected Members, visitors, customers and contractors.

Falkirk Council will continue to seek to highlight the risks associated with smoking and encourage smokers to stop. Support and guidance will be offered to all those who wish to give up smoking.

Falkirk Council recognises the challenges individuals face in trying to give up smoking and will offer support and assistance to those individuals through:

- The provision of advice and guidance through the promotion and distribution of information on stopping smoking;
- Partnership working with organisations such as the Health Education Board for Scotland, Forth Valley Health Board and the Falkirk Community Trust Leisure Centres;
- Liaison with Services to target groups of individuals to offer advice and support in the same way as instruction is given on safety matters, by way of 'toolbox talks';
- Participation in National No-Smoking Day in March each year;
- The provision of information on Smoking Cessation classes;
- Banning the promotion or sale of tobacco products within Falkirk Council premises;
- Organising promotional events.

PART 3

Application of the Policy

All premises owned or leased by the Council are designated 'no-smoking' areas. This includes offices, schools, coffee areas, toilets and vehicles being driven on Council business.

Within residential homes for the elderly, a smoking area will be provided solely for residents who may face extreme difficulties in giving up smoking. The dangers to staff, contractors and visitors of the exposure to second hand smoke will be minimised by a full risk assessment of the working area and by the adoption of a safer system of working e.g. the room should be fully aired before cleaning.

Where the Council lets its facilities to an outside body, the terms of the legislation and Smoking Policy will be clearly stated and the policy will apply to that body for the duration of the let. Non-compliance may lead to future lets being refused.

The terms of this Policy will apply to all elected Members, staff, contractors and visitors to Falkirk Council premises.

All new employees of the Council will be advised of the content of this Policy.

PART 4

Compliance

All elected Members and employees have a legal responsibility to ensure compliance with the legislation. The legislation allows fixed penalty fines of £200 to be imposed on the manager or any other person in control of any no-smoke premises for allowing others to smoke or for failure to display warning notices within the premises. It also allows a fixed penalty fine of £50 for individuals who smoke in no-smoke premises. Refusal or failure to pay these fines may result in prosecution and a fine of up to £2,500.

Where smoking is taking place in contravention of the legislation this should be reported immediately to the manager or any other person in control of the premises. Staff will also help to ensure compliance by bringing the legislation and Policy to the attention of the person smoking in a non-confrontational manner. The potential difficulty of enforcing the policy is acknowledged and staff will be given the full support of all line and senior managers.

Repeated and deliberate failure of any employee to conform to the requirements of the Legislation and this Policy may give rise to disciplinary action, which will be dealt with in accordance with the Council's Disciplinary Procedures. However, in the first instance, support and advice will be offered.
PART 5

Review

This Policy will be reviewed by the Head of Human Resources in conjunction with Service Directors and Trade Unions on a 5 yearly basis, or earlier if required.