



*Dunbartonshire and Argyll & Bute
Valuation Joint Board*

NO SMOKING POLICY

This new policy was approved by the Joint Board's Management Team on

8 February 2022

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1. INTRODUCTION:

No Smoking Policy

- 1.1 Dunbartonshire and Argyll & Bute Valuation Joint Board seeks to set a good example in health promotion and to work towards national targets set to reduce the prevalence of smoking and the incidence of diseases caused by tobacco smoke and to improve the health and fitness of our employees. As an employer, we are committed to the Scottish Government's *Health and Work* agenda, and will introduce and promote policies which encourage a healthy lifestyle.
- 1.2 The Board also recognises the health risks associated with tobacco use, not only for smokers but also the effects of passive smoking on non-smokers. Passive smoking – inhaling other people's tobacco smoke is a particular issue for the workplace and the Board has a duty of care under the Health and Safety at Work Act, 1974 and the Safety & Health of Pregnant Workers Act (Directive 92/85/EEC) to:
 - maintain a safe and healthy working environment;
 - protect the health of employees, and not to subject them to hazardous environments and materials;
 - ensure that employees understand their responsibilities to take reasonable care of the health and safety of other people.
- 1.3 This policy arose from the legislative obligations imposed upon the Board in terms of the Smoking, Health and Social Care (Scotland) Act 2005 (The Act). The Act banned the smoking of tobacco and tobacco related products in enclosed public places from 26 March 2006: In addition, to reduce the risk posed from passive smoking when entering Joint Board premises, smoking is prohibited at or near all entranceways to Board premises. Smokers shall not use these entranceways for shelter when smoking. Smoking is also prohibited where no smoking signs are present.
- 1.4 Failure to enforce the smoking ban is a criminal offence. All elected members and employees have a legal duty to comply with this law. Anyone can notify the enforcing authority that a smoking ban is being ignored. The person smoking will be asked to leave the premises. Managers have a duty to ensure their employees/clients/visitors comply with this law. The Board may be fined £200 for permitting smoking on no-smoking premises and not displaying appropriate

warning signage. In addition, employees/ visitors may be fined £50 for smoking in no-smoking premises.

- 1.5 The Scottish Government published their Strategy paper [Tobacco Control Strategy - Creating a Tobacco-Free Generation - gov.scot \(www.gov.scot\)](http://www.gov.scot/Topics/Health/Smoking/TobaccoControlStrategy) in March 2013 which all Local Authorities are encouraged to support and states that: “All Local Authorities should implement fully smoke free policies across their properties and surrounding grounds”.
- 1.6 Employees are required to support the Board in implementing this policy. Where an employee ignores this policy, the Board will view this as an act of misconduct to be further considered through the existing Disciplinary Procedures.
- 1.7 Employees and Managers may take general questions, problems and complaints in the first instance through their line management structure.

2. POLICY OBJECTIVES

- 2.1 The Joint Board is committed to promoting healthy living and non-smoking as its normal culture by establishing a smoke-free environment for all employees, and being sensitive to the needs of those who smoke by offering support to those wishing to give up smoking.

Procedures will be put in place to achieve the following policy objectives:-

- Provide all employees with a safe and healthy working environment
- Support employees who wish to stop smoking
- Encourage and assist every employee to adopt a healthy lifestyle
- Work with Health Board partners to support cessation initiatives

3. KEY PRINCIPLES

- 3.1 The aim of the Policy is to ensure a smoke free environment in compliance with The Smoking, Health and Social Care (Scotland) Act 2005, the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 which came into effect on 26 March 2006, the Scottish Government’s National Strategy on “Creating a Tobacco-Free Generation” published in March 2015 and “Raising a Tobacco Free Generation” action plan published in June 2018.
- 3.2 The 2005 Act was introduced to save lives and prevent diseases caused by passive smoking.

- 3.3 Smoking is prohibited within all Joint Board premises and at or near the main entranceways to Board premises. This prohibition includes all previously designated smoking areas and shelters. In addition, where an employee is using their own vehicle for business purposes and is carrying other employees/clients as passengers, they should not smoke.

E-Cigarettes/Nicotine Vapour Products (NVPs)

- 3.4 E-Cigarettes/NVPs are generally thought of as much less harmful than tobacco products but they are not risk-free and more evidence is needed on their long-term effects. E-cigarettes/NVPs may have benefits for current smokers if they use them as a replacement for tobacco but should not be used by non-smokers. E-cigarettes/NVPs are regulated as consumer products under the revised EU Tobacco Products Directive, which was implemented in May 2016.

The same restrictions apply to e-cigarettes/NVPs as with normal cigarettes in that employees are not permitted to use e-cigarettes/NVPs within VJB premises, at or near the main entranceways to the premises.

3.5 Statutory Exemptions:

Exemptions to the Act can apply in the following circumstances:

- **Outdoor/Out of Office work locations.** Smoking will only be permitted during recognised breaks. Whilst the Board would encourage employees not to smoke for health reasons, it recognises that this is a matter of personal choice. Employees must not smoke where this affects their ability to carry out their duties in a safe manner.

4. SECURING A HEALTHY WORKING ENVIRONMENT:

4.1 Valuation Joint Board Actions:-

- Maintain a Board wide ban on smoking within premises, at or near all entranceways to Board premises and in vehicles being shared with other employees, as outlined in section 3
- Notices indicating that the location is smoke free will continue to be displayed in public spaces within Joint Board premises.
- Prohibit the promotion and sale of tobacco products on premises, as appropriate.
- Employee concerns about working in the homes of stakeholders, who smoke, will always be handled in a sensitive manner.

4.2 *Employee Action*

- Employees should be aware of and comply with their obligations under the Smoking, Health and Social Care (Scotland) Act 2005 and the Joint Board's No Smoking Policy.

5. SUPPORTING EMPLOYEES WHO WANT TO STOP SMOKING

5.1 *Board Actions:*

- Through West Dunbartonshire Council, the Board will offer a variety of support and assistance to employees who wish to stop smoking e.g. smoking cessation classes. To access support contact your manager and thereafter West Dunbartonshire Council's HR & OD Officers.
- Provide paid leave for employees to attend Board recognised smoking cessation groups. Full details of services will be explored and promoted. Smokeline 0800 848484 can advise on local services, however the smoking cessation support services which have proven most effective are NRT or Zyban, one to one counselling by a dedicated specialist, and stop smoking support groups run by the local Health Service.
- Identify ways to recognise the achievement of those who have successfully stopped smoking.

5.2 *Employee Actions:*

- Consider utilising the support services available that will assist them to stop smoking, when they are ready to do so.

6. PROMOTING A HEALTHY LIFESTYLE

6.1 *Board Actions:*

- Through West Dunbartonshire Council, the Board will introduce health promotions, which encourage employees to adopt a balanced lifestyle and identify and address personal health problems, through awareness leaflets and information on the WDC internet/intranet sites.
- Develop partnership with other agencies and bodies to promote health improvement initiatives and promote these through the organisation.
- Work with the trade unions to gain support for health improvement initiatives.

6.2 *Employee Actions:*

- Participate in activities and promotions to improve their own health.

7. POLICY IMPLEMENTATION

- 7.1 The Management Team will ensure appropriate plans are in place to address operational matters arising from the Smoking, Health and Social Care (Scotland) Act 2005 (The Act) and from Scottish Government Strategy on “Creating a Tobacco-Free Generation: A Tobacco Control Strategy for Scotland”.
- 7.2 Managers will be responsible for ensuring the Policy is implemented within their area. Guidance will be provided for Managers and staff on an ongoing basis and to all new employees. This will assist with effective implementation of the Policy.
- 7.3 Every employee is reminded that there is a legal duty to comply with this Policy, and in specific circumstances non-compliance may constitute a criminal offence.
- 7.4 The revised Policy will be communicated to all employees through team briefings and information leaflets, and will be available on the DAB VJB Intranet site.
- 7.5 Failure to comply with the Policy will be a conduct issue addressed through the Joint Board’s Employment Procedures.
- 7.6 Advice and guidance is available by contacting the appropriate WDC HR&OD Officer.

8. MONITORING AND REVIEW

- 8.1 The policy will be updated to incorporate any relevant change to legislation or best practice as required.