



Williamsburgh

HOUSING ASSOCIATION

• Limited •

Smoke-Free Policy

This policy can be made available in different languages and other formats such as Braille, large print or tape, on request.

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1. Introduction

Williamsburgh Housing Association recognises, as an employer, our duty under the Smoking, Health and Social Care (Scotland) Act 2005, the Health and Safety at Work Act 1974 and Workplace (Health, Safety and Welfare) Regulations 1992, to ensure, so far as is reasonably practicable, that the working environment for all our employees is healthy and safe. This policy was introduced in response to the Smoking, Health and Social Care (Scotland) Act 2005, acknowledging our duty of care for the health and welfare of all employees and customers. It recognising that passive smoking can cause diseases, we accept that preventing it can save lives.

2. Aims and Objectives

The aim of this policy is to ensure that the welfare requirements placed on the Association by legislation are complied with and to help protect non-smoking employees from discomfort and the possible adverse health effects of passive smoking.

3. Background

Smoking is one of the main principal avoidable causes of premature deaths. It causes 106,000 deaths in the UK and over 13,000 deaths in Scotland, out of which over 1,000 can be attributed to passive smoking. The Scientific Committee on Tobacco and Health's review on evidence of passive smoking showed it to be a serious public hazard, increasing the risk of lung cancer, heart disease and respiratory illness and causing a variety of conditions in children. It also concluded that good ventilation systems, whilst eliminating the smell and visibility of smoke, do not eliminate the toxic carcinogens. In January 2004, the Scottish Executive published "A Breath of Fresh Air for Scotland: Improving Scotland's Health – the Challenge".

The publication set out a tobacco control action plan, which included measures such as: preventative work, education and communication, controls on sales and expansion of high quality cessation services. The plan was supported by the Department of Health's six strands programme:

- reducing exposure to secondhand smoke,
- tobacco media/education campaigns,
- reducing the availability of tobacco products and regulating supply,
- NHS stop smoking & nicotine replacement therapy,
- reducing tobacco advertising, and
- promoting and regulating tobacco products.

3. Background Contd.

The Scottish Executive's consultation with 53,000 respondents showed that a vast majority – 82% thought that further action was needed to reduce the effects of secondhand smoke and 80% expressed their support for introducing a law creating smoke-free enclosed public places.

4. Legal Framework

4.1 Smoking, Health and Social Care (Scotland) Act 2005

The Smoking, Health and Social Care (Scotland) Bill was introduced to Parliament on 17th December 2004 and approved by MSPs on 30th June 2005. It received Royal Assent on 5th August 2005 and came into force in Scotland on 26th March 2006. The new law, affecting most public premises and including workplaces and work vehicles, imposed a total ban of smoking within those premises. It also made non-compliance with it a criminal offence and introduced fines of £50.00 for the individuals and £200.00 for managers/owners who either allow smoking within their premises or fail to display warning notices and/or fail to stop employees, customers and visitors from smoking. Refusal or failure to pay can result in prosecution and a fine of up to £2,500.00. The law is enforced by Environmental Health Officers who can inspect non-smoking premises unannounced and impose fines on individuals and employers. All enclosed and partially enclosed public premises are covered by the law (Appendix A) with a few exemptions (Appendix B). There are, however, no legal obligations placed on employers to provide smoking facilities in any premises excluded from the Act.

4.2 Health and Safety at Work Act 1974

The Act imposes a general duty on employers to ensure health, safety and welfare at work for their workers. As a result, employers must resolve complaints from their workers about their health and welfare being put at risk from working in a smoky environment.

4. Legal Framework Contd.

4.3 Health and Safety (Workplace) Regulations 1992

The Regulations require employers to ensure that there are arrangements to protect non-smokers from discomfort caused by tobacco smoke in rest areas.

5. Policy Principles

This smoke-free policy:

- was produced as the Association's response to the duty under the Smoking, Health and Social Care (Scotland) Act 2005, in force from 26th March 2006,
- guarantees all workers, customers and visitors air free of tobacco smoke within all the Association's premises,
- has been agreed with workers to help provide a healthy, safe and comfortable environment,
- prohibits smoking throughout the working premises,
- withdrew completely the provision of a smoking room,
- details how the Association will deal with non-observance of smoking restrictions in relation to workers, customers, visitors and contractors,
- offers voluntary support to employees who smoke in their cessation efforts.

6. Policy Conditions

As a result of the Smoking, Health and Social Care (Scotland) Act 2005, the Association imposed a total smoking ban in all our premises, including vehicles owned/leased/hired by the organisation. Private cars used to transport colleagues/clients/visitors in relation to business are also covered by this policy. Anyone who wishes to smoke must do so outwith the Association's premises, in any place that is not covered by the smoking ban.

6.1 Passive Smoking Exposure Outwith the Organisation's Premises

Section 3.11 of the Association's Health and Safety Control Manual states "Where employees are exposed to passive smoke outwith the Association's premises/vehicles while on company business, they will be entitled to request a smoke-free environment in which to continue their business. Where no such environment is available, the employee will be entitled to cease work within the area. In such circumstances, the employee will report the situation to their line manager without delay, who will take the appropriate action".

7. Implementation

- The smoke-free policy applies to all staff members as well as all visitors, customers and contractors.
- The person responsible for ensuring compliance with the policy is the Association's director.
- The main policy provisions are clearly displayed at the entrance to our premises (Appendix C).
- The No Smoking signs are clearly displayed in our premises including company cars (Appendix D).
- The Association has withdrawn the smoking room and removed all ashtrays from the premises.
- Non-compliance with the Association's Smoke-Free Policy will be dealt with reference to the procedures outlined in Section 8. Non-compliance with the smoking law is, however, a criminal offence as per the Smoking, Health and Social Care (Scotland) Act 2005 and fines and prosecution may be applied to individuals and employers by Environmental Health Officers.
- The Association will not hold tobacco-related investments or accept sponsorship or donations from tobacco companies.
- Any questions/comments/concerns regarding the smoke-free policy should be raised with the director. Staff should report breaches of the policy to their line manager.

8. Non-Compliance

All employees, customers, visitors and contractors are informed that the Association operates a smoke-free policy in all its premises. The displayed No Smoking signs are designed to inform and remind everyone of this. This policy has been developed to ensure a safe working environment for all staff, customers, visitors and contractors. Whilst it is our belief that most people will respect our policy, we have put in place procedures to deal with non-compliance. Any person not complying with the ban, commits an offence towards the organisation as well as the law. It is, therefore, our intention to enforce this policy and impose sanctions on people that choose not to comply with it.

8.1 Employees

The smoke-free policy applies to all employees across the organisation. It is the responsibility of employees to adhere to the terms and conditions of this policy. Line managers are responsible for enforcing the policy and will be trained on implementation issues. Any acts of non-compliance with this policy will be dealt with in accordance with the Association's disciplinary procedure. The severity of discipline will reflect the fact that non-compliance breaches not only the organisation's smoke-free policy but also Health and Safety Policy and the law: the Smoking, Health and Social Care (Scotland) Act 2005. As per the Scottish Executive's recommendation, a refusal to comply with a smoking ban will be treated as anti-social behaviour and will attract the appropriate level of discipline. This measure is to ensure the provision of a safe working environment as well as compliance with the law.

8. Non-Compliance Contd.

8.2 Customers/Visitors/Contractors

Anyone who refuses to comply with our smoke-free policy will be asked to leave the premises immediately. Further refusal will result in the withdrawal of our services to customers, barring such visitors from visiting our premises, the removal of individual tradesmen and advising their employers of their non-compliance. This may, in extreme cases, lead to the withdrawal of contracts.

9. Cessation Support

The Association recognises that passive smoking adversely affects the health of all employees. We recognise, however, that the smoke-free policy can impact on the working lives of smokers.

In an effort to help employees adjust to the changes, they will be supported through:

- being encouraged to seek advice on modifying their smoking behaviour or stopping,
- the supply of self-help information,
- the provision of information on advice and support (available from Admin. Officer),
- periodic campaigns which will be undertaken to encourage smokers to stop and to publicise the support available, and
- time-off during working hours to obtain help with giving up smoking (to be granted at the discretion of the line manager),

Sources of support include:

- Smokeline 0800 848484,
- www.hebs.com/tobacco
- the Public Health Department of the local NHS Board,
- local GP surgeries, and
- the local GP surgery to which the Association is affiliated.

10. Evaluation and Monitoring

Williamsburgh Housing Association seeks to adopt a positive approach towards ensuring the welfare of our employees through the provision of a pleasant and safe working environment.

Having identified our aims and objectives, we will ensure the policy is being implemented effectively through the appropriate monitoring arrangements, which will include:

- recording of complaints,
- identification of non-compliances,
- disciplinary action,
- withdrawal of services to customers,
- barring of visitors/tradesmen from the premises,
- withdrawal of contracts,
- implementation of anti-social behaviour procedures, and
- cessation support provided to staff.

Unless the monitoring arrangements identify serious breaches of the policy, the Management Committee will be advised, at the time of the policy review, whether we are achieving our objectives or whether more effective measures require to be introduced.

11. Review

The Management Committee will have regard to this policy, as per our review schedule. As such, the policy will be considered every 3 years to ensure that it responds to any relevant updates to the Health and Safety Control Manual, relevant revised legislation and any changing circumstance.

This review will take place following the appropriate consultation with residents, as outlined in our Tenant Participation Strategy and with staff and their trade union representative.

12. Appendices

'No Smoking Premises' (as listed in Schedule 1 to the Regulations)

Those premises which fall within the scope of the legislation, having been classed as 'no smoking premises', are:

- Restaurants.
- Bars and public houses.
- Shops and shopping centres.
- Hotels.
- Libraries, archives, museums and galleries.
- Cinemas, concert halls, theatres, bingo halls, gaming and amusement arcades, casinos, dance halls, discotheques and other premises used for the entertainment of members of the public.
- Premises used as a broadcasting studio or film studio or for the recording of a performance with a view to its use in a programme service or in a film intended for public exhibition.
- Halls or any other premises used for the assembly of the public for social or recreational purposes.
- Conference centres, public halls and exhibition halls.
- Public toilets.
- Club premises.
- Offices, factories and other premises that are non-domestic premises in which one or more persons work.

- Offshore installations.
- Educational institution premises.
- Premises providing care home services, sheltered housing or secure accommodation services and premises that are non-domestic premises which provide offender accommodation services.
- Hospitals, hospices, psychiatric hospitals, psychiatric units and health care premises.
- Creches, day nurseries, day centres and other premises used for the day care of children and adults.
- Premises used for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body.
- Sports centres.
- Airport passenger terminals and any other public transportation premises.
- Public transportation vehicles.
- Vehicles which one or more persons use for work.
- Public telephone kiosks.

Exemptions (as listed in Schedule 2 to the Regulations)

Those premises (or part of premises) which are exempt from the legislation are:

- Residential accommodation.
- Designated rooms in adult care homes.
- Adult hospices.
- Designated rooms in psychiatric hospitals and psychiatric units.
- Designated hotel bedrooms.
- Detention or interview rooms which are designated rooms.
- Designated rooms in offshore installations.
- Private vehicles.



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Williamsburgh Housing Association's Smoke-Free Policy : Summary

Purpose

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to assist compliance with the Smoking, Health and Social Care (Scotland) Act 2005.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

Policy

It is the policy of Williamsburgh Housing Association that all our workplaces are smoke-free and all employees have a right to work in a smoke-free environment. The policy came into effect on 29th March 2006 and is regularly reviewed by the Association's Management Committee.

Smoking is prohibited throughout the entire workplace with no exceptions. This includes company vehicles. This policy applies to all employees, consultants, contractors, customers or members and visitors.

Implementation

Overall responsibility for policy implementation and review rests with the Association's Director, Gordon Williamson. All staff are obliged to adhere to, and facilitate the implementation of the policy.

The Director will inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. All new employees will receive a copy of the policy as part of their induction.

Implementation Contd.

Appropriate 'No Smoking' signs will be clearly displayed at the entrance to and within the premises.

Non-Compliance

Disciplinary procedures will be followed if a member of staff does not comply with this policy. The procedures set out in Section 8.2 of the full version of the Smoke-Free Policy shall be followed if a customer, contractor or visitor does not comply. It should be noted that those who fail to comply with the smoking laws are also liable to a fixed penalty fine and possible criminal prosecution.

Help To Stop Smoking

Support for smokers who want to stop will be provided as per Section 9 of the Smoke-Free Policy.

Sources of support include:

- Smokeline 0800 848484,
- www.hebs.com/tobacco,
- the Public Health Department of the local NHS Board,
- local GP surgeries, and
- the local GP surgery to which the Association is affiliated.

Contact details can be found in the local directory.



NO SMOKING

These are no smoking premises.
It is an offence to smoke or knowingly
to permit smoking in these premises.

If you observe someone smoking here, a complaint
may be made to

the Association's Director : Gordon Williamson