



# **JOHN WHEATLEY COLLEGE**

## **BOARD OF MANAGEMENT**

### **NO SMOKING POLICY**

#### **1. Introduction**

Tobacco smoke has now been shown to cause serious damage to the health of both smokers and non-smokers.

The most recent legislation in relation to this is the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 that require workplaces to be smoke free.

Section 2(2)e of the Health and Safety at Work Act (1974) places a duty on employers to provide a working environment for employees that is:

- safe;
- without risk to health; and
- adequate as regards facilities and arrangements for their welfare at work.

The requirements of the Management of Health and Safety at Work Regulations 1999 and the Workplace (Health, Safety and Welfare) Regulations 1992 place stringent requirements on employers to assess risks and ensure that non-smokers are protected from the dangers of tobacco smoke in work and rest areas, so far as is reasonably practical. Therefore the College in the interest of all staff and students has designated all premises under its control as non-smoking.

As tobacco smoke has now been shown to be a threat to the health of individuals and the following Policy has been adopted concerning smoking in John Wheatley College.

#### **2. General Principles**

This Policy seeks to guarantee the right of any member of staff or learner to work in air free from tobacco smoke, whilst taking account of the needs of those who continue to wish to smoke, despite the evidence of research findings.

The Policy applies to all staff, learners, members of the Board of Management, Contractors, agency workers, partnership organisations and casual visitors to the College. The Policy applies to all College facilities, owned or leased, regardless of location (including vehicles).

### **3. College Areas**

Smoking is not permitted in any of the College's premises. Anyone wishing to smoke must do so out with the College buildings.

As there is evidence to show that tobacco smoke can cause serious damage to the health of both smokers and non-smokers staff who wish to smoke must stand well clear of the entrance to College premises to allow non-smoker clear access to the premises.

### **4. Counselling Service for those Who Wish to Stop Smoking**

It should be noted that this Policy is not concerned with whether or not anyone smokes but that they are not permitted to smoke on College's premises. However, it is recognised that smoking will affect people who work in the College. It is also acknowledged that the Policy may be an incentive to smokers to give up smoking. Staff are advised to seek assistance from their General Practitioner. Individuals who experience difficulty in coping with giving up smoking may receive assistance from the Employee Counselling Service (ECS), staff can arrange an appointment through the Human Resources Section or direct by calling 0800 435 768. Alternative information about the ECS can be obtained from their website. The website address is [www.empcs.org.uk](http://www.empcs.org.uk). Their email address is – [ecs@empcs.org.uk](mailto:ecs@empcs.org.uk).

The Employee Counselling Service does not provide assistance to give up smoking.

### **5. Assistance**

The College recognise that smoking is a primary health concern. People who smoke may, therefore, desire help or treatment. Employees are encouraged to seek help or treatment voluntarily either through the College's procedures or through resources of the employee's own choosing.

In an effort to help individuals stop smoking, assistance can be sought from the:

- College's Health and Safety Officer;
- College's Human Resources Service; or
- Employee Counselling Service.

This Policy now forms an integral part of the College's Health and Safety Policy.

### **6. Compliance**

The College believe that in the long-term risks to employees' health will be minimised by maintaining a comfortable and safe working environment. Smokers are therefore required to comply with the Policy requirements for their own and for their colleagues well being. The requirement of Health and Safety legislation places a much stricter emphasis on Smoking in the Workplace. Where an employee refuses to comply with the requirements of this Policy then disciplinary action may be considered.

In accordance with the terms of the College's Policy on smoking, an employee with such a problem shall be given the opportunity of accepting advice and assistance. Providing the employee undertakes to co-operate and successfully undertakes treatment, disciplinary action will, in most cases, be suspended in respect of the offence which led to the referral.

Employees or learners who smoke on College premises will be offered the opportunity immediately to seek assistance from the appropriate agencies. Employees will be granted, if necessary, subject to the exigencies of the service, time off with pay to attend any specialist or help group for advice and assistance. Employees or learners who do smoke on College premises, who decline to accept the offer or referral for advice and assistance or who discontinue a course of treatment before satisfactory completion will be subject to the usual disciplinary procedures.

Offences which are either not related to the reason for referral or offences which are considered to be of a serious nature will be dealt with within the College's existing policies and procedures. If the employee is not accepted for treatment, the appropriate disciplinary action will be initiated as set out in the College's policies and procedures. If the employee is accepted for treatment but does not complete programme, the suspension of disciplinary action which came into effect on referral will be terminated and consideration of the original breach of discipline will be re-opened and the appropriate disciplinary action taken.

A breach of the College's Smoking Policy is considered as gross misconduct and may lead to disciplinary action being taken against the individual concerned (for both staff and learners) up to and including dismissal or expulsion.

Appropriate signs are posted at all entrances and throughout the workplace and in the vehicles hired for College activities. Copies of this Policy shall be made available for the information of students and staff on the College intra-net.

There should be no discrimination against anyone exercising the rights afforded by this Policy. The success of this Policy will depend on the thoughtfulness, consideration and cooperation of smokers and non-smokers. All employees share in the responsibility for adhering to and enforcing this Policy.

## **7. Visitors**

All visitors to John Wheatley College are expected to abide by the terms of this Policy. Visitors will be made aware of the Policy by means of adequate sign positing and formal advice.

## **8. Effective Date**

In light of the medical evidence John Wheatley College has been entirely smoke free effective from 1<sup>st</sup> August 2001.

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| Date Approved: Board of Management | Review Date  |
| 16 June 2009                       | 15 June 2010 |