

Health and Safety Executive Board Paper

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HEALTH AND SAFETY EXECUTIVE

The HSE Board

Review of HSE's Alcohol and Smoking Policies

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Issue

1. Review of HSE's alcohol and smoking policies. The review was commissioned by the HSE Board as a contribution towards improving health and safety standards in HSE.

Timing

2. For the meeting on 3 November 2004.

Recommendation

3. The Board is invited to:
 - Agree that the current alcohol policy should be strengthened to restrict consumption to certain occasions and times of day (paras. 8/9).
 - Agree that smoking should not be allowed in, or around, any HSE premises (paras. 13/14).

Background

4. HSE's present policies on alcohol and smoking reflect HSE's guidance to employers ("Don't Mix It" and "Passive Smoking at Work"). Our alcohol policy, issued in 2001, is set out in Staff Handbook, Chapter 11 and a model smoking statement is contained in the Intranet site, "Your Health & Safety".
5. The present policies do not ban drinking or smoking during work time but require staff to adhere to standards of behaviour. Only 3 alcohol-related cases have reached Personnel, for investigative and/or disciplinary action since 2001, two in the last 18 months. But observation suggests that lunchtime drinking remains part of the culture for a significant minority of staff.
6. There are no records of any action being taken against staff for smoking outside designated areas. But there have been five formal complaints (in Bootle) about smoke

drifting into offices from entrances to buildings, and many comments in Rose Court about the unpleasant atmosphere in the restaurant, and further, as a result of the smoking room.

Argument

Alcohol

7. It is not clear that the present alcohol policy is sufficiently clear and robust for today's business environment. We are now out of line with many of those we regulate, where employers are beginning to take a tougher approach¹.
8. There are three main options:
 - (1) Maintain the status quo but re-publicise the existing policy with Personnel Division monitoring the position. This is an easy option but may simply postpone addressing the issue.
 - (2) A general alcohol ban shortly before and during periods of duty with permitted exceptions, or prior approval by senior management. This would set out the expectation of abstinence as the norm, but would allow for the approval of alcohol at special events (retirements, promotions, residential events or business entertainment). The policy could be strengthened by restricting alcohol to celebrations or during journeys at the end of the working day. The risk is that this option could be open to misinterpretation, or inconsistent application, with some managers taking a more permissive attitude than others.
 - (3) A complete ban on alcohol consumption during the hours leading up to and during periods of official duty. This nil tolerance attitude would be the most radical measure and akin to the stance taken by many safety-critical organisations. It would mean a ban on drinking even at events such as away-days and conferences. It is the least ambiguous option and would send a clear signal to staff about HSE's stance on mixing alcohol and work. However, it would be seen as draconian, by staff, without hard evidence that it was really needed; and there is a slight risk of challenge under the Human Rights Act 1998.
9. It may be possible to produce variations of these options. But whatever the precise details, staff opinion is likely to be divided. The most likely to command support is the second option which would be clear but allow some limited drinking. It would also be in line with policy in some other government departments

Smoking

10. There is increasing demand for restrictions on smoking in public places and at work. The Republic of Ireland introduced regulations in March this year banning smoking in

¹ See, for example "Alcohol and Drug Policies in UK Organisations," CIPD, December 2001. This reported that a growing number of companies are introducing alcohol policies. It also found that public sector organisations were twice as likely as private sector companies to allow parties with alcohol on their premises and in working hours. Under HSE's present policy, both are permissible.

most workplaces and Northern Ireland will ban smoking in all government buildings from January 2005. The UK Government is shortly to publish a White Paper including its conclusions on whether to ban smoking in public places in England.

11. Passive smoke is accepted as a health risk by the UK government. It is estimated, by the Royal College of Physicians that approximately 700 people die each year from lung cancer, heart disease or stroke because of passive smoking at work. Section 2 of the HSAW Act places responsibility on employers to protect the health, safety and welfare of employees and this includes risks arising from second hand smoking. Current HSE guidance instructs employers to have in place effective smoking at work policies. The norm should be non-smoking with special provision being made for smokers rather than vice versa.
12. The approach to smoking varies across HSE. In most offices smoking is confined to designated offices. In some offices the rooms may be used only during tea breaks and at lunchtimes. In practice many smokers congregate outside buildings. Practice elsewhere also varies. In major IR offices (eg St John's House, Bootle) smoking is banned and staff may go out to smoke only during tea and lunch breaks. Any additional breaks need line management permission and the time lost is debited. IR also insists that smoking is beyond the immediate vicinity of their premises.
13. Given HSE's wider role it seems right for us to set an example by further reducing smoking in our own workplace. This could be balanced by further improving the help and support we offer people to stop smoking. Perhaps by allowing time off to see counsellors or subsidising the cost of nicotine "patches". The options are:
 - Postpone any action until the UK Government's proposals are known.
 - Ban smoking in all HSE offices, but allow smoking outside the buildings whenever workers wish, subject to debiting the time lost.
 - A total ban so that staff may only smoke at times when they are away from HSE premises (lunchtimes or designated tea breaks)
14. A total ban may be a step too far, at present. Although it would probably be supported by the many non-smoking staff who resent the time lost by smoking colleagues. Until we know the conclusions in the White Paper it would signal our commitment to improving the health of staff if we banned smoking in HSE premises.

Enforcement

15. It would be difficult to introduce restrictions on smoking and alcohol consumption without sanctions if the rules were breached. Monitoring, by line-managers would be relatively straightforward (we would not suggest breath tests, but would rely on managers' judgement).
16. Under current procedures staff can be disciplined if their alcohol consumption affects their behaviour or job performance. Formal disciplinary procedures for consumption of small quantities of alcohol would be difficult. A way forward might be a system of informal warnings before formal action. Staff could also be disciplined under existing procedures for refusing to follow a reasonable management instruction.

Consultation

17. Consultation has been confined to colleagues in Personnel and informal discussion with two trade union office-holders. They would not, necessarily, resist strengthening existing policies but there are mixed views about banning smoking, mainly because it is seen as an addiction and a sudden ban could lead to reduced productivity or more absence. They would also want to see the detail of any action linked to enforcement and sanctions.

Presentation

18. A change to the present alcohol and smoking policies will need careful explanation and presentation to staff. Personnel Division will work with Communications Directorate, and a representative sample of line-managers, on the best ways of developing and conveying the messages to staff.

Costs and Benefits

19. There would be a small cost involved in revising and promulgating the policies. The benefits will flow from a healthier workforce, less absence, in the longer term, and the time saved through abolition of smoking breaks.

Financial/Resource Implications for HSE

20. As above.

Environmental Implications

21. Restricting smoking and alcohol consumption will improve the working environment and health of employees.

Other Implications

22. None

Action

23. The Board is asked to:

- Agree the recommendations in para. 3 and authorise Personnel to promulgate, in consultation with Communications Directorate and the trade unions; and provide guidance to Directorates on monitoring arrangements.
- Advise Personnel Division of any alternative decision and how this should be taken forward.