

**Human Resources**  
**Equality Impact Assessment and Analysis (EqIAA) Form**

**Introductory Information**

<b>Name of Function under consideration:</b>	No Smoking Policy
<b>Date(s) of completing the EqIAA:</b>	8 - 20 March 2013
<b>Name and job title(s) of person(s) completing the EqIAA:</b>	Emma Ford – HR Advisor, Engagement & Equalities Sam Stillman – HR Advisor

**Section 1 – Impact and Analysis**

**1. Considering all aspects of this Function, state what issues have an impact on equalities and why.**

South Gloucestershire Council is obliged under the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999 and the Workplace (Health, Safety and Welfare) Regulations 1992 to provide and maintain a safe working environment for employees without risk to health and accepts that passive smoking does present a risk to non-smokers.

This policy applies to all staff (excluding school-based employees).

This policy has a positive impact on all employees but may have a particular positive impact on disabled people with conditions such as asthma or pregnant women who may be more significantly affected by passive smoking.

This assessment has not identified any evidence that this policy will adversely affect any groups. It will have a positive impact on all non-smokers and offers support to people who would like to give up smoking.

**2. What data does the council have internally that links to this Function and what does it tell us about equalities impact?**

The staff surveys in 2007 and 2009 included the question: 'do you smoke at least one tobacco product a week?'. There was a slight increase from 2007 to 2009. In 2009 14% staff said that they did smoke at least once per week. There was no real difference by demographic group which suggests there is no equalities impact within the council workforce.

The 2012 staff survey did not include health related questions so we do not have current data on the number of employees who smoke.

The council's Health and Safety Manager has written guidance for employees who visit service users' at home who smoke. This links to the no smoking policy and shows that it considers all staff working in different environments.

**3. Where appropriate, what consultation has been conducted in relation to this Function and what evidence has this provided about equalities impact?**

Comments were requested from HR Business Partners, Trade Unions and the council's Employee Health & Wellbeing Group. As a result, we included information in the policy about smoking cessation advice and guidance for employees who visit service users' homes.

This is a step to improve the health protection of all staff and does not identify any adverse equalities impact on any particular protected characteristic.

The Employee Health & Wellbeing Group considered if the no smoking policy impinges an individual's right to smoke. It was discovered that smoking is not regarded as a human right and therefore employees do not have a right to smoke in work time.

**4. What relevant external research (data, reports, expert opinion, legislation etc.) has been considered and what evidence has this provided about equalities impact?**

Expert opinion was provided by the South Gloucestershire Health Improvement Programme and Commissioning Manager, who provided information about NHS stop smoking support services. These services, including nicotine replacement therapy, are free to all.

We looked at [www.smokingsolutions.co.uk](http://www.smokingsolutions.co.uk) to establish what impact on the council smoking may have e.g. hours lost through smoking, smoking related sickness absence.

The South Gloucestershire Council Health at Work Co-ordinator provided benchmarking information with other organisations based in South Gloucestershire.

No evidence was found to suggest that the policy has an adverse equalities impact.

**5. Any other relevant notes?**

None.

## Section 2 – Outcomes

6. The evidence that has been collected under Section 1 of this form will need to feed into the decision making process regarding any changes to be implemented before any final decisions are taken. There are four possible outcomes of this EqlAA – indicate which outcome below with the reasons and justification for this.

Outcome	Response	Reason(s) and Justification
<b>Outcome 1:</b> No major change required.	<input checked="" type="checkbox"/>	The language and format of the policy has been improved to make it easier to read and understand. The policy review and EqlAA has not identified any adverse equality impact.
<b>Outcome 2:</b> Adjustments to remove barriers or to better promote equality have been identified.	<input type="checkbox"/>	
<b>Outcome 3:</b> Continue despite having identified potential for adverse impact or missed opportunities to promote equality.	<input type="checkbox"/>	
<b>Outcome 4:</b> Stop and rethink.	<input type="checkbox"/>	

7. List the actions you will take as a result of this EqlAA.

The no smoking policy will be reviewed on an annual basis.  
 We will keep abreast of discussions to introduce a smoke-free site policy and amend the policy if necessary.  
 If data is available, we will monitor complaints to how effective the no smoking policy is and to identify any impact on equalities.

## Section 3 – EqlAA Evidence

8. List and attach the evidence you have which shows how you have systematically considered equality impact.

Staff survey 2007 and 2009.  
 Employee Health & Wellbeing Group minutes 10 January 2013.  
[www.smokingsolutions.co.uk](http://www.smokingsolutions.co.uk).  
 Guide for employees who visit smokers' homes.

**Planned date for next EqlAA exercise:**

March 2014