

June 5 2007

Issued by Mattison Public Relations

## **Employers threaten crack down on smoking breaks**

### **∞ Survey by Consult GEE reveals only 22% believe the ban on smoking will boost productivity amongst staff**

Employers are planning to use the 1 July ban on smoking at work to crack down on cigarette breaks, according to new research by Consult GEE, a leading provider of employment law and HR advisory services.

The survey of 257 companies revealed that 36% planned to ban smoking breaks. Consult GEE point out there is little employees can do to stop them.

Stuart Chamberlain, employment law expert with Consult GEE, says: "Although there has never been a contractual right to smoke at work, companies seem keen to eradicate smoking among staff and the ban is giving them the impetus to do just that."

"Employees will struggle to fight any bans on their smoking breaks because they are not entitled to them. It could be that they try to claim a breach of the Working Time Regulations, which grants staff working for a minimum of six hours a day 20 minutes break. However, it will prove difficult for an employee to succeed in the employment tribunal with such a claim."

Consult GEE advises that the best practice companies can employ is to prevent staff smoking near to their premises.

Stuart Chamberlain adds: "The survey shows that 70% of employers plan to stop smoking at the front of their premises. Staff will be less likely to take a smoking break if they have to walk for 10 minutes to get away from the workplace. I think we are going to see more staff who smoke staying at work and fewer breaks when the ban comes in."

### **Smoking and productivity**

The survey results revealed that, while 57% agreed the ban would help their staff kick the habit, 71% said they would not allow staff paid leave to concentrate on giving up.

However, with 93% of companies in the survey pledging their full support for the ban only 22% felt it would boost productivity levels, with 74% claiming it will make no difference and 4% saying it would worsen productivity.

Says Stuart Chamberlain: "Smoking and productivity does not seem to be the main concern for employers. However, it could be that employers will see a boost in productivity levels once they crack down on smoking."

“The other benefit of course is that non-smoking staff will not feel that their smoking colleagues get more breaks than they do.”

The survey showed that only 14% of employers would choose a non-smoking applicant over a smoker.

The survey also revealed:

- ∞ 76% have vowed to fine or take other disciplinary measures against staff in breach of the smoking ban
- ∞ Only 18% felt the requirement to close down smoking rooms would result in staff taking longer breaks as they go further a field to smoke
- ∞ 84% did not think the maximum fine of £2500 or the threat of criminal charges for not complying with the ban was too strict
- ∞ 47% have arranged for outside smoking facilities for staff, however, 47% have not

## **ENDS**

### **Note to editors:**

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