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CELEBRATIONS

AT

HEWETTS

We have recently enjoyed an encouraging time of celebration by marking 40 years of service from Chris Josephi who is one of our consultants.

Chris, who practices in Planning Law, Property and Wills and Trusts has been with Hewetts when the firm was first known as Hewett Pim & Dixon. Chris joined the firm in 1967 and was soon made a partner. Throughout his time at Hewetts he has practised in many areas of the law serving clients from all walks of life. Chris's passion for the law remains unabated and Hewetts are fortunate to have such a strong advocate of client care within the Practice.

We also welcome Saskia Basinger who is an Assistant Solicitor in our Family Law department. Saskia's arrival has enabled us to deal with the ever increasing volume of matrimonial and family related advice and to continue to provide an expert service in this field. If you require assistance in this particular area please contact Saskia at s.basinger@hewetts.co.uk

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An Article By Nick Barnett
From our Employment Law Department

BREAKING THE HABIT

On 1 July 2007 the much publicised smoking ban became Law and smoking in all enclosed spaces and workplaces is now outlawed.

As with many current laws the burden is on the employer to police the smoking ban regardless of whether or not they actually agree with it. Failing to police the ban effectively could result in fines of up to £1,000 (for failing to display “No Smoking” signs) or up to £2,500 (for not actively enforcing the ban).

How does this smoking ban square with an employee’s basic human rights? Current legal opinion suggests that an employee would have no right of redress under the Human Rights Act as the Act does not protect “stand alone” rights. So an employee’s right to smoke at work is likely to detract from the right of his or her colleagues to breathe clear air.

What about an employee who has smoked at work for many years? There is no right to smoke at work. The Law clarified this back in the 1980’s. In the last decade or so, the focus has shifted to the rights of the non smoker.

There is also no obligation on employers to provide facilities for smokers. This will be left very much to the discretion of the business and indeed to the landlords of business premises as to whether permission may be given for the erection of smoking shelters outside.

Is smoking a disability as defined by the disability Discrimination Act 1995. The answer to this is no. Addiction to nicotine is not covered under the Act.

It is wise for employers to take the ban seriously, not least of all because of the potential sanctions for failing to do so.

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